



Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Forty-ninth Meeting Day

Wednesday Morning

April 25, 2007

The House convened at 10:00 a.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for guidance and insight (printed January 8, 2007).

The Pledge of Allegiance to the Flag was led by Representative Woody Burton.

The Speaker ordered the roll of the House to be called:

Austin	Klinker
Avery	Knollman
Bardon	Koch ☐
Battles	Kuzman
Behning ☐	L. Lawson
Bell	Lehe
Bischoff	Leonard
Borders	Lutz
Borror	Mays
Bosma	McClain
C. Brown	Micon
T. Brown	Moses
Buck	Murphy ☐
Buell	Neese
Burton	Niezgodski
Candelaria Reardon	Noe
Cheatham	Orentlicher
Cheney	Oxley
Cherry	Pelath
Cochran	Pflum
Crawford	Pierce
Crooks	Pond
Crouch	Porter
Davis	Reske
Day	Richardson
Dembowski	Ripley
Denbo	Robertson
Dermody	Ruppel
Dickinson	Saunders
Dobis	M. Smith
Dodge	V. Smith
Duncan	Soliday
Dvorak	Stemler
Eberhart	Stevenson
Elrod	Stilwell
Espich	Stutzman
Foley	Summers ☐
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Herrell	Welch
Hinkle	Whetstone
Hoy	Wolkins
Kersey	Mr. Speaker

Roll Call 575: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, April 26, 2007, at 2:00 p.m.

NIEZGODSKI

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1192:

Conferees: Gard and Tallian

Advisors: Bray and Simpson

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1237:

Conferees: Wyss and Rogers

Advisors: Landske and Broden

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1410:

Conferees: Hershman and Lanane

Advisors: Steele and Broden

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1659:

Conferees: Jackman and Lanane

Advisors: Becker and Simpson

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on

Engrossed House Bill 1767:

Conferees: Kenley and Rogers
Advisors: Kruse and S. Smith

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed House Bill 1767:

Advisors: Lewis and Hershman

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1824:

Conferees: Hershman and Rogers
Advisors: Gard and Tallian

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 43, 346, 347, 472, and 504.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bills 94, 192, and 534.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 250:

Conferees: Gard replacing Jackman
Advisors: Hershman replacing Gard

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 207 and 551 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 76, 79, and 80 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representatives Avery, Cochran, and Bauer be added as cosponsor of Senate Concurrent Resolution 104.

DAY

Motion prevailed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 534-1; filed April 24, 2007, at 11:00 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 534 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 31-17-3-2, AS AMENDED BY P.L.68-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this chapter:

- (1) "contestant" means a person, including a parent, who claims a right to custody or parenting time rights with respect to a child;
- (2) "custody determination" means a court decision and court orders and instructions providing for the custody of a child, including parenting time rights; it does not include a decision relating to child support or any other monetary obligation of any person;
- (3) "custody proceeding" includes proceedings in which a custody determination is one of several issues, such as an action for dissolution of marriage, but does not include child in need of services, **voluntary termination of a parent-child relationship, or adoption** proceedings;
- (4) "decree" or "custody decree" means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;
- (5) "home state" means the state in which the child, immediately preceding the time involved, lived with the child's parents, a parent, or a person acting as parent, for at least six (6) consecutive months, and in the case of a child less than six (6) months old the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six (6) month or other period;
- (6) "initial decree" means the first custody decree concerning a particular child;
- (7) "modification decree" means a custody decree which modifies or replaces a prior decree, whether made by the court which rendered the prior decree or by another court;
- (8) "physical custody" means actual possession and control of a child;
- (9) "person acting as parent" means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody; and
- (10) "state" means any state, territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

SECTION 2. IC 31-19-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A resident of Indiana who seeks to adopt a child less than eighteen (18)

years of age may, by attorney of record, file a petition for adoption with the clerk of the court having probate jurisdiction in the county in which:

- (1) the petitioner for adoption resides;
- (2) a licensed child placing agency or governmental agency having custody of the child is located; or
- (3) the child resides.

(b) The county in which the petition for adoption may be filed is a matter of venue and not jurisdiction.

(c) Subject to IC 31-19-9-3, if an individual who files a petition for adoption of a child:

- (1) decides not to adopt the child; or**
- (2) is unable to adopt the child;**

the petition for adoption may be amended or a second petition may be filed in the same action to substitute another individual who intends to adopt the child as the petitioner for adoption. The amended petition or second petition under this subsection relates back to the date of the original petition.

SECTION 3. IC 31-19-2.5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. A notice served in accordance with IC 31-19-4 or IC 31-19-4.5 is valid regardless of whether the notice is served within or outside Indiana.**

SECTION 4. IC 31-19-3-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9. (a) A notice served in accordance with this chapter on a putative father who is a resident of Indiana is valid regardless of whether the notice is served within or outside Indiana.**

(b) A notice served in accordance with this chapter outside Indiana on a putative father who is not a resident of Indiana is valid if the child was conceived:

- (1) in Indiana; or**
 - (2) outside Indiana, if the laws of the state in which the:**
 - (A) father:**
 - (i) is served notice; or**
 - (ii) resides; or**
 - (B) child was conceived;**
- allow a paternity or similar action to be filed before the birth of a child.**

SECTION 5. IC 31-19-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a) If:**

- (1) the mother of a child:**
 - (A) informs an attorney or agency arranging the child's adoption, on or before the date the child's mother executes a consent to the child's adoption, that the child was conceived outside Indiana; and
 - (B) does not disclose to the attorney or agency the name or address, or both, of the putative father of the child; and
- (2) the putative father of the child has:**
 - (A) failed or refused to consent to the adoption of the child or has not had the parent-child relationship terminated under IC 31-35 (or IC 31-6-5 before its repeal); and
 - (B) not registered with the putative father registry under IC 31-19-5 within the period under IC 31-19-5-12;

the attorney or agency shall serve notice of the adoption proceedings on the putative father by publication **in the same manner as a summons is served by publication** under Rule 4.13 of the Indiana Rules of Trial Procedure.

(b) The only circumstance under which notice to the putative father must be given by publication under Rule 4.13 of the Indiana Rules of Trial Procedure is when the child was conceived outside of Indiana as described in subsection (a).

SECTION 6. IC 31-19-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. If a putative father is entitled to notice under section 1, 2, or 3 of this chapter,**

upon:

- (1) providing service of process in compliance with the same manner as a summons and complaint are served under Rule 4.1 of the Indiana Rules of Trial Procedure for notice under section 1 or 2 of this chapter; or**
- (2) publication in compliance with the same manner as a summons is served by publication under Rule 4.13 of the Indiana Rules of Trial Procedure for notice under section 3 of this chapter;**

no further efforts to give notice to the putative father are necessary, regardless of whether the putative father actually receives the notice.

SECTION 7. IC 31-19-4.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1. This chapter:**

- (1) shall not be construed to affect notice of an adoption provided to a putative father under IC 31-19-4; and**
- (2) applies to a putative father who has abandoned, failed to support, or failed to communicate with a child.**

SECTION 8. IC 31-19-4.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. Except as provided in IC 31-19-2.5-4, if a petition for adoption alleges that consent to adoption is not required under IC 31-19-9-8, notice of the adoption must be given to the person from whom consent is allegedly not required under IC 31-19-9-8. Notice shall be given:**

- under:**
 - (1) in the same manner as a summons and complaint are served under Rule 4.1 of the Indiana Rules of Trial Procedure if the person's name and address are known; and**
 - or**
 - (2) in the same manner as a summons is served by publication under Rule 4.13 of the Indiana Rules of Trial Procedure if the name or address of the person is not known;**

to a petitioner for adoption.

SECTION 9. IC 31-19-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 12. (a) To be entitled to notice of an adoption under IC 31-19-3 or IC 31-19-4, a putative father must register with the state department of health under section 5 of this chapter not later than:**

- (1) thirty (30) days after the child's birth; or**
- (2) the earlier of the date of the filing of a petition for the:**
 - (A) child's adoption; or**
 - (B) termination of the parent-child relationship between the child and the child's mother;**

whichever occurs later.

(b) A putative father may register under subsection (a) before the child's birth.

SECTION 10. IC 31-19-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a) A consent to adoption that does not name or otherwise identify a petitioner for adoption is valid if the consent to adoption contains a statement, by the person consenting to adoption, that the person consenting to adoption voluntarily executed the consent to adoption without disclosure of the name or other identification of the petitioner for adoption.**

(b) A petitioner may be substituted under IC 31-19-2-2 if:

- (1) the consent to adoption executed by a child's mother contains a statement, by the mother consenting to adoption, that the mother voluntarily agrees that a petitioner for the adoption may be substituted without additional consent from the mother; or**
- (2) the mother executes a written consent to the substitution of a petitioner for the adoption.**

The mother's consent under this subsection is not conditional regardless of whether the mother consents or does not consent to the substitution of petitioners under this subsection.

SECTION 11. IC 31-19-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a) A consent**

to adoption may be withdrawn not later than thirty (30) days after consent to adoption is signed if:

- (1) the court finds, after notice and opportunity to be heard afforded to the petitioner for adoption, that the person seeking the withdrawal is acting in the best interest of the person sought to be adopted; and
 - (2) the court orders the withdrawal.
- (b) A consent to adoption may not be withdrawn after:
- (1) thirty (30) days after the consent to adoption is signed;
 - (2) the person who signs the consent to adoption appears, **in person or by telephonic communications or video conferencing**, before a court in which the petition for adoption has been or will be filed **and acknowledges that the person:**
 - (A) **understood the consequences of the signing of the consent to adoption;**
 - (B) **freely and voluntarily signed the consent to adoption; and**
 - (C) **believes that adoption is in the best interests of the person to be adopted;** or
 - (3) the person who signs the consent to adoption appears, **in person or by telephonic communications or video conferencing**, before a court of competent jurisdiction if the parent is outside of Indiana and acknowledges that the person:
 - (A) understood the consequences of the signing of the consent to adoption;
 - (B) freely and voluntarily signed the consent to adoption; and
 - (C) believes that adoption is in the best interests of the person to be adopted;

whichever occurs first.

(c) If a hearing under this section is conducted by telephonic communication or video conferencing, the court shall ensure that the hearing is recorded.

SECTION 12. IC 31-35-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) If requested by the parents:

- (1) the county office of family and children; or
 - (2) a licensed child placing agency;
- may sign and file a verified petition with the juvenile or probate court for the voluntary termination of the parent-child relationship.

(b) The petition must:

- (1) be entitled "In the Matter of the Termination of the Parent-Child Relationship of _____, a child, and _____, the child's parent (or parents)"; and
- (2) allege that:
 - (A) the parents are the child's natural or adoptive parents;
 - (B) the parents, including the alleged or adjudicated father if the child was born out of wedlock:
 - (i) knowingly and voluntarily consent to the termination of the parent-child relationship; or
 - (ii) are not required to consent to the termination of the parent-child relationship under section ~~6(b)~~ **6(c)** of this chapter;
 - (C) termination is in the child's best interest; and
 - (D) the petitioner has developed a satisfactory plan of care and treatment for the child.

SECTION 13. IC 31-35-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. **(a) Except as provided in subsection (b),** the parents shall be notified of the hearing in accordance with IC 31-32-9.

(b) A parent who has made a valid consent to the termination of a parent-child relationship may waive the notice required by subsection (a) if the waiver:

- (1) is in writing either:

- (A) **in the parent's consent to terminate the parent-child relationship; or**
- (B) **in a separate document;**
- (2) **is signed by the parent in the presence of a notary public; and**
- (3) **contains an acknowledgment that:**
 - (A) **the waiver is irrevocable; and**
 - (B) **the parent will not receive notice of:**
 - (i) **adoption; or**
 - (ii) **termination of parent-child relationship; proceedings.**

SECTION 14. IC 31-35-1-6, AS AMENDED BY P.L.130-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Except as provided in subsection ~~(b)~~; **(c)**, the parents must give their consent in open court unless the court makes findings of fact upon the record that:

- (1) the parents gave their consent in writing before a person authorized by law to take acknowledgments; **and**
- (2) the parents were:
 - (A) advised in accordance with section 12 of this chapter; and
 - (B) **advised that if they choose to appear in open court, the only issue before the court is whether their consent was voluntary.**

~~(3) the parents failed to appear.~~

(b) If:

- (1) **the court finds the conditions under subsection (a)(1) and (a)(2) have been met; and**
- (2) **a parent appears in open court;**

a court may consider only the issue of whether the parent's consent was voluntary.

~~(b)~~ **(c)** The consent of a parent to the termination of the parent-child relationship under this chapter is not required if:

- (1) consent to the termination of the parent-child relationship is implied under section 4.5 of this chapter, if the parent is the putative father;
- (2) the parent's consent to the adoption of the child would not be required under:
 - (A) IC 31-19-9-8;
 - (B) IC 31-19-9-9; or
 - (C) IC 31-19-9-10; or
- (3) the child's biological father denies paternity of the child before or after the birth of the child if the denial of paternity:

- (A) is in writing;
- (B) is signed by the child's father in the presence of a notary public; and
- (C) contains an acknowledgment that:
 - (i) the denial of paternity is irrevocable; and
 - (ii) the child's father will not receive notice of adoption or termination of parent-child relationship proceedings.

A child's father who denies paternity of the child under subdivision (3) may not challenge or contest the child's adoption or termination of the parent-child relationship.

SECTION 15. IC 31-35-1-12, AS AMENDED BY P.L.68-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. For purposes of sections 6 and 8 of this chapter, the parents must be advised that:

- (1) their consent is permanent and cannot be revoked or set aside unless it was obtained by fraud or duress or unless the parent is incompetent;
- (2) when the court terminates the parent-child relationship:
 - (A) all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, parenting time, or support pertaining to the relationship, are permanently terminated; and

- (B) their consent to the child's adoption is not required;
- (3) the parents have a right to the:
 - (A) care;
 - (B) custody; and
 - (C) control;

of their child as long as the parents fulfill their parental obligations;

(4) the parents have a right to a judicial determination of any alleged failure to fulfill their parental obligations in a proceeding to adjudicate their child a delinquent child or a child in need of services;

(5) the parents have a right to assistance in fulfilling their parental obligations after a court has determined that the parents are not doing so;

(6) proceedings to terminate the parent-child relationship against the will of the parents can be initiated only after:

(A) the child has been adjudicated a delinquent child or a child in need of services and removed from their custody following the adjudication; or

(B) a parent has been convicted and imprisoned for an offense listed in IC 31-35-3-4 (or has been convicted and imprisoned for an offense listed in IC 31-6-5-4.2(a) before its repeal), the child has been removed from the custody of the parents under a dispositional decree, and the child has been removed from the custody of the parents for six (6) months under a court order;

(7) the parents are entitled to representation by counsel, provided by the state if necessary, throughout any proceedings to terminate the parent-child relationship against the will of the parents; and

(8) the parents will receive notice of the hearing, **unless notice is waived under section 5(b) of this chapter**, at which the court will decide if their consent was voluntary, and the parents may appear at the hearing and allege that the consent was not voluntary.

SECTION 16. IC 34-24-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. (a) If a prospective adoptive parent suffers pecuniary loss as a result of a violation of IC 35-46-1-9.5, the prospective adoptive parent may bring a civil action against a person who benefits from adoption related expenses in violation of IC 35-46-1-9.5, even if the person has not been prosecuted or convicted of the offense under IC 35-46-1-9.5. In an action under this subsection, a prospective adoptive parent may seek an award of the following:**

- (1) Actual damages caused by the violation if the prospective adoptive parent has not been awarded damages under IC 35-46-1-9.5.
- (2) An amount not to exceed three (3) times the amount of actual damages of the prospective adoptive parent suffering the loss.
- (3) The costs of the action.
- (4) A reasonable attorney's fee.

(b) A prospective adoptive parent may bring a civil action against a person who commits unauthorized adoption facilitation under IC 35-46-1-22, even if the person has not been prosecuted or convicted of the offense under IC 35-46-1-22. In an action under this subsection, a prospective adoptive parent may seek an award of the following:

- (1) An amount not to exceed three (3) times the amount that the prospective adoptive parent paid for the adoption services provided to the prospective adoptive parent in the commission of unauthorized adoption facilitation under IC 35-46-1-22.
- (2) The costs of the action.
- (3) A reasonable attorney's fee.

SECTION 17. IC 34-24-3-3 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. It is not a defense to an action for punitive damages that the defendant is subject to criminal prosecution for the act or omission that gave rise to the civil action. However, a person may not recover both:

- (1) punitive damages; and
- (2) the amounts provided for under section 1 **or 1.5** of this chapter.

SECTION 18. IC 35-46-1-9, AS AMENDED BY P.L.145-2006, SECTION 371, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Except as provided in subsection (b), a person who, with respect to an adoption, transfers or receives any property in connection with the waiver of parental rights, the termination of parental rights, the consent to adoption, or the petition for adoption commits profiting from an adoption, a Class D felony.

(b) This section does not apply to the transfer or receipt of:

- (1) reasonable attorney's fees;
- (2) hospital and medical expenses concerning childbirth and pregnancy incurred by the adopted person's birth mother;
- (3) reasonable charges and fees levied by a child placing agency licensed under IC 31-27 or by a county office or the department of child services;
- (4) reasonable expenses for psychological counseling relating to adoption incurred by the adopted person's birth parents;
- (5) reasonable costs of housing, utilities, and phone service for the adopted person's birth mother during the second or third trimester of pregnancy and not more than six (6) weeks after childbirth;
- (6) reasonable costs of maternity clothing for the adopted person's birth mother;
- (7) reasonable travel expenses incurred by the adopted person's birth mother that relate to the pregnancy or adoption;
- (8) any additional itemized necessary living expenses for the adopted person's birth mother during the second or third trimester of pregnancy and not more than six (6) weeks after childbirth, not listed in subdivisions (5) through (7) in an amount not to exceed one thousand dollars (\$1,000); or
- (9) other charges and fees approved by the court supervising the adoption, including reimbursement of not more than actual wages lost as a result of the inability of the adopted person's birth mother to work at her regular, existing employment due to a medical condition, excluding a psychological condition, if:

- (A) the attending physician of the adopted person's birth mother has ordered or recommended that the adopted person's birth mother discontinue her employment; and
- (B) the medical condition and its direct relationship to the pregnancy of the adopted person's birth mother are documented by her attending physician.

In determining the amount of reimbursable lost wages, if any, that are reasonably payable to the adopted person's birth mother under subdivision (9), the court shall offset against the reimbursable lost wages any amounts paid to the adopted person's birth mother under subdivisions (5) and (8) and any unemployment compensation received by or owed to the adopted person's birth mother.

(c) Except as provided in this subsection, payments made under subsection (b)(5) through (b)(9) may not exceed three thousand dollars (\$3,000) and must be disclosed to the court supervising the adoption. The amounts paid under subsection (b)(5) through (b)(9) may exceed three thousand dollars (\$3,000) to the extent that a court in Indiana with jurisdiction over the child who is the subject of the adoption approves the expenses after determining that:

- (1) the expenses are not being offered as an inducement to proceed with an adoption; and
- (2) failure to make the payments may seriously jeopardize the health of either the child or the mother of the child and the direct relationship is documented by a licensed social worker or the attending physician.

(d) The payment limitation under subsection (c) applies to the total amount paid under subsection (b)(5) through (b)(9) in connection with an adoption from all prospective adoptive parents, attorneys, and licensed child placing agencies.

(e) An attorney or licensed child placing agency shall inform a birth mother of the penalties for committing adoption deception under section 9.5 of this chapter before the attorney or agency transfers a payment for adoption related expenses under subsection (b) in relation to the birth mother.

(f) The limitations in this section apply regardless of the state or country in which the adoption is finalized.

SECTION 19. IC 35-46-1-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9.5. A person who is a birth mother, or a woman who holds herself out to be a birth mother, and who knowingly or intentionally benefits from adoption related expenses paid:

- (1) when the person knows or should have known that the person is not pregnant;
- (2) by or on behalf of a prospective adoptive parent who is unaware that at the same time another prospective adoptive parent is also incurring paying adoption related expenses described under section 9(b) of this chapter in an effort to adopt the same child; or
- (3) when the person does not intend to make an adoptive placement;

commits adoption deception, a Class A misdemeanor. In addition to any other penalty imposed under this section, a court may order the person who commits adoption deception to make restitution to a prospective adoptive parent, attorney, or licensed child placing agency that incurs an expense as a result of the offense.

SECTION 20. IC 35-46-1-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) Only a person that is an attorney licensed to practice law or a child placing agency licensed under the laws of any state or the District of Columbia may place a paid advertisement or paid listing of the person's telephone number, on the person's own behalf, in a telephone directory that:

- (1) a child is offered or wanted for adoption; or
- (2) the person is able to place, locate, or receive a child for adoption.

(b) A person that publishes a telephone directory that is distributed in Indiana:

- (1) shall include, at the beginning of any classified heading for adoption and adoption services, a statement that informs directory users that only attorneys licensed to practice law and licensed child placing agencies may legally provide adoption services under Indiana law; and
- (2) may publish an advertisement described in subsection (a) in the telephone directory only if the advertisement contains the following:

(A) For an attorney licensed to practice law, the person's attorney number.

(B) For a child placing agency licensed under the laws of any state or the District of Columbia, the number on the person's child placing agency license.

(c) A person who knowingly or intentionally violates subsection (a) commits unauthorized adoption advertising, a Class A misdemeanor.

SECTION 21. IC 35-46-1-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) As used in this

section, "adoption services" means at least one (1) of the following services that is provided for compensation, an item of value, or reimbursement, either directly or indirectly, and provided either before or after the services are rendered:

- (1) Arranging for the placement of a child.
- (2) Identifying a child for adoption.
- (3) Matching adoptive parents with biological parents.
- (4) Arranging or facilitating an adoption.
- (5) Taking or acknowledging consents or surrenders for termination of parental rights for adoption purposes.
- (6) Performing background studies on:
 - (A) a child who is going to be adopted; or
 - (B) adoptive parents.
- (7) Making determinations concerning the best interests of a child and the appropriateness in placing the child for adoption.
- (8) Post placement monitoring of a child before the child is adopted.

(b) As used in this section, the term "adoption services" does not include the following:

- (1) Legal services provided by an attorney licensed in Indiana.
- (2) Adoption related services provided by a governmental entity or a person appointed to perform an investigation by the court.
- (3) General education and training on adoption issues.
- (4) Post adoption services, including supportive services to families to promote the well-being of members of adoptive families or birth families.

(c) This section does not apply to the following persons:

- (1) The department of child services, an agency or person authorized to act on behalf of the department of child services, or a similar agency in another state.
- (2) The division of family resources, an agency or person authorized to act on behalf of the division of family resources, or a similar agency in another state.
- (3) A county office of family and children in Indiana or a similar county office in another state.
- (4) A child placing agency licensed under the laws of Indiana or another state.
- (5) An attorney licensed to practice law in Indiana or another state.
- (6) A prospective biological parent or adoptive parent acting on the individual's own behalf.

(d) A person who knowingly or intentionally provides, engages in, or facilitates adoption services to a birth parent or prospective adoptive parent who resides in Indiana commits unauthorized adoption facilitation, a Class A misdemeanor.

SECTION 22. [EFFECTIVE JULY 1, 2007] IC 35-46-1-21 and IC 35-46-1-22, both as added by this act, apply only to crimes committed after June 30, 2007.

(Reference is to ESB 534 as printed March 21, 2007.)

LUBBERS	BATTLES
BRODEN	FRIZZELL
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 568-1; filed April 24, 2007, at 3:09 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 568 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as

follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-10.2-5-42.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 42.4. (a) The pension portion (plus postretirement increases to the pension portion) provided by employer contributions of the monthly benefit payable after December 31, 2007, to a member of the public employees' retirement fund (or to a survivor or beneficiary of a member of the public employees' retirement fund) who retired or was disabled before January 1, 2007, shall be increased by two percent (2%).**

(b) The increases specified in this section:

- (1) are based on the date of the member's latest retirement or disability;**
- (2) do not apply to benefits payable in a lump sum; and**
- (3) are in addition to any other increase provided by law.**

SECTION 2. [EFFECTIVE JULY 1, 2007] **(a) As used in this SECTION, "fund" refers to the public employees' retirement fund established by IC 5-10.3-2-1.**

(b) Not later than December 1, 2007, the fund shall pay the amount determined under subsection (c) to a member of the fund (or to a survivor or beneficiary of the member) who retired or was disabled before January 1, 2007, and who is entitled to receive a monthly benefit on November 1, 2007. The amount shall be paid as a single check and is not an increase in the pension portion of the monthly benefit.

(c) The amount paid under this SECTION to a member of the fund (or to a survivor or beneficiary of a member) who meets the requirements of subsection (b) is determined as follows:

If a Member's Creditable Service Is:	The Amount of the Check Is:
At least 5 years, but less than 10 years (only in the case of a member receiving disability retirement benefits)	\$25
At least 10 years, but less than 20 years	\$75
At least 20 years, but less than 30 years	\$150
At least 30 years	\$200

(d) The creditable service used to determine the amount paid to a member (or to a survivor or beneficiary of the member) under this SECTION is the creditable service that was used to compute the member's retirement benefit under IC 5-10.2-4-4, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(e) This SECTION expires December 1, 2007.

(Reference is to ESB 568 as reprinted March 27, 2007.)

MEEKS	KUZMAN
HUME	McCLAIN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT EHB 1116-1; filed April 24, 2007, at 3:39 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1116 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning

education.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-28-5-3, AS ADDED BY P.L.246-2005, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a) The department shall designate:**

- (1) the grade point average required for each type of license; and**
- (2) the types of licenses to which the teachers' minimum salary laws apply, including nonrenewable one (1) year limited licenses.**

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

- (1) The conversion of one (1) type of license into another.**
- (2) The accreditation of teacher education schools and departments.**
- (3) The exchange and renewal of licenses.**
- (4) The endorsement of another state's license.**
- (5) The acceptance of credentials from teacher education institutions of another state.**
- (6) The academic and professional preparation for each type of license.**
- (7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.**
- (8) The issuance of licenses on credentials.**
- (9) The type of license required for each school position.**
- (10) The size requirements for an elementary school requiring a licensed principal.**
- (11) Any other related matters.**

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) After June 30, 2007, the department may not issue an initial teaching license at any grade level to an applicant for an initial teaching license unless the applicant shows evidence that the applicant:

(1) has successfully completed training approved by the department in:

- (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;**
- (B) removing a foreign body causing an obstruction in an airway; and**
- (C) the Heimlich maneuver;**

(2) holds a valid certification in each of the procedures described in subdivision (1) issued by:

- (A) the American Red Cross;**
- (B) the American Heart Association; or**
- (C) a comparable organization or institution approved by the advisory board; or**

(3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).

(d) The department shall periodically publish bulletins regarding:

- (1) the details described in subsection (b);**
- (2) information on the types of licenses issued;**
- (3) the rules governing the issuance of each type of license; and**
- (4) other similar matters.**

SECTION 2. IC 20-34-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 5. Care of Students With Diabetes

Sec. 1. As used in this chapter, "diabetes management and treatment plan" means a plan prepared under section 12 of this chapter.

Sec. 2. As used in this chapter, "health care services" has

the meaning set forth in IC 27-8-11-1.

Sec. 3. As used in this chapter, "individualized health plan" means a coordinated plan of care designed to meet the unique health care needs of a student with diabetes in a school setting.

Sec. 4. As used in this chapter, "licensed health care practitioner" means an individual who:

- (1) is licensed to provide health care services; and
- (2) has prescriptive authority;

under IC 25.

Sec. 5. As used in this chapter, "physician" refers to an individual who is licensed under IC 25-22.5.

Sec. 6. As used in this chapter, "registered nurse" refers to an individual who is licensed as a registered nurse under IC 25-23.

Sec. 7. As used in this chapter, "school" refers to a public school, including a charter school.

Sec. 8. As used in this chapter, "school employee" means an individual employed by:

- (1) a public school, including a charter school, or an accredited nonpublic school;
- (2) a local health department working with a school under this chapter; or
- (3) another entity with which a school has contracted to perform the duties required under this chapter.

Sec. 9. As used in this chapter, "school nurse" refers to an individual who:

- (1) is employed by a school;
- (2) is licensed as a registered nurse under IC 25-23; and
- (3) meets the requirements set forth in 515 IAC 8-1-47.

Sec. 10. As used in this chapter, "student" refers to a student with diabetes.

Sec. 11. As used in this chapter, "volunteer health aide" means a school employee who:

- (1) is not licensed or authorized to provide health care services under IC 25;
- (2) volunteers to act in the capacity of a volunteer health aide; and
- (3) has successfully completed the training described in section 14 of this chapter.

Sec. 12. (a) A diabetes management and treatment plan must be prepared and implemented for a student with diabetes for use during school hours or at a school related activity. The plan must be developed by:

- (1) the licensed health care practitioner responsible for the student's diabetes treatment; and
- (2) the student's parent or legal guardian.

(b) A diabetes management and treatment plan must:

- (1) identify the health care services or procedures the student should receive at school;
- (2) evaluate the student's:
 - (A) ability to manage; and
 - (B) level of understanding of;
 the student's diabetes; and
- (3) be signed by the student's parent or legal guardian and the licensed health care practitioner responsible for the student's diabetes treatment.

(c) The parent or legal guardian of a student with diabetes shall submit a copy of the student's diabetes management and treatment plan to the school nurse. The plan must be submitted to and be reviewed by the school nurse:

- (1) before or at the beginning of a school year;
- (2) at the time the student enrolls, if the student is enrolled in school after the beginning of the school year; or
- (3) as soon as practicable following a diagnosis of diabetes for the student.

Sec. 13. (a) An individualized health plan must be developed for each student with diabetes while the student is at school or participating in a school activity. The school's

nurse shall develop a student's individualized health plan in collaboration with:

- (1) to the extent practicable, the licensed health care practitioner responsible for the student's diabetes treatment;
- (2) the school principal;
- (3) the student's parent or legal guardian; and
- (4) one (1) or more of the student's teachers.

(b) A student's individualized health plan must incorporate the components of the student's diabetes management and treatment plan.

Sec. 14. (a) At each school in which a student with diabetes is enrolled, the school principal, after consultation with the school nurse, shall:

- (1) seek school employees to serve as volunteer health aides; and
- (2) make efforts to ensure that the school has an adequate number of volunteer health aides to care for students.

(b) A volunteer health aide, while providing health care services, serves under the supervision and authorization of the principal and the school nurse in accordance with the requirements that apply to the school nurse under IC 25-23.

(c) A volunteer health aide must have access to the school nurse, in person or by telephone, during the hours that the volunteer health aide serves as a volunteer health aide.

(d) A school employee may not be subject to any disciplinary action for refusing to serve as a volunteer health aide. The school shall inform school employees that participation as a volunteer health aide is voluntary. A school employee who volunteers as a volunteer health aide may elect to perform only those functions that the school employee:

- (1) chooses to perform; and
- (2) is trained to perform in the training program described in section 15 of this chapter.

Sec. 15. (a) The department may cooperate with the state department of health in the development of a diabetes training program for school nurses. The department, with the assistance of physicians or registered nurses who are qualified in the area of diabetes training, shall provide annual diabetes training programs to school nurses. The training must include technological advances, current standards of practice for diabetes management and training, and instruction in the following:

- (1) Developing individualized health plans for students with diabetes that follow the orders of a licensed health care practitioner.
- (2) Recognizing and treating the symptoms of hypoglycemia and hyperglycemia.
- (3) Understanding the current standards of practice and the proper action to take if the blood glucose levels of a student are outside the target ranges indicated on the student's diabetes management and treatment plan.
- (4) Performing tests to check glucose and ketone levels, and recording the results.
- (5) Properly administering glucagon, insulin, or other emergency treatments prescribed by the licensed health care practitioner, and recording the results.
- (6) Recognizing complications that require emergency medical assistance.
- (7) Understanding recommended schedules and food intake for meals and snacks for a student, the effect of physical activity on blood glucose levels, and the proper action to be taken if a student's schedule referred to in this subdivision is disrupted.

(b) The department may cooperate with the state department of health in the development of a diabetes training program for volunteer health aides. The department, with the assistance of physicians and registered nurses who are qualified in the area of diabetes training,

shall provide a diabetes training program for volunteer health aides which includes the most current standards of practice and technology for diabetes treatment. The training must include the following:

- (1) Implementing the orders of a licensed health care practitioner.
 - (2) Recognizing and treating the symptoms of hypoglycemia and hyperglycemia consistent with the orders of the licensed health care practitioner.
 - (3) Performing tests to check glucose and ketone levels, and recording the results.
 - (4) Properly administering glucagon, insulin, or other emergency treatments as prescribed, and recording the results.
 - (5) Recognizing complications that require emergency medical assistance.
 - (6) Understanding:
 - (A) recommended schedules and food intake for meals and snacks;
 - (B) the effect of physical activity on blood glucose levels; and
 - (C) the proper action to be taken if a student's schedule is disrupted.
 - (c) The school nurse shall coordinate:
 - (1) the training of school employees acting as volunteer health aides, using the training program developed under subsection (b); and
 - (2) the record keeping and monitoring of a volunteer health aide acting under this chapter.
 - (d) Training for volunteer health aides must be provided by a health care professional with expertise in the care of individuals with diabetes or by a school nurse. The training must be provided before the beginning of the school year or as soon as practicable following:
 - (1) the enrollment; or
 - (2) the diagnosis;
 of a student with diabetes at a school that previously had no students with diabetes.
 - (e) The school nurse or principal shall maintain a copy of the training program and the records of training completed by school employees.
- Sec. 16. (a)** The school nurse shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan.
- (b)** When necessary, a volunteer health aide may perform the tasks necessary to assist a student in carrying out the student's individualized health plan, in compliance with the training guidelines provided under section 15 of this chapter.
- (c)** A volunteer health aide may act under this section only if the parent or legal guardian of the student signs an agreement that:
- (1) authorizes a volunteer health aide to assist the student; and
 - (2) states that the parent or legal guardian understands that, as provided under IC 34-30-14, a volunteer health aide is not liable for civil damages for assisting in the student's care.
- (d)** A volunteer health aide who assists a student under this section:
- (1) is not considered to be engaging in the practice of nursing; and
 - (2) is exempt from applicable statutes and rules that restrict activities that may be performed by an individual who is not an individual licensed or authorized under IC 25 to provide health care services.
- (e)** A school corporation may not restrict the assignment of a student to a particular school on the sole basis of whether the school has volunteer health aides.

Sec. 17. (a) As provided in a student's individualized health plan, a school shall, except in an emergency, allow the

student to attend to the management and care of the student's diabetes if the student has been evaluated and determined to be capable of doing so as reflected in the student's individual health plan and the student's diabetes management and treatment plan, including the following activities:

- (1) Performing blood glucose level checks.
 - (2) Administering insulin through the insulin delivery system the student uses.
 - (3) Treating hypoglycemia and hyperglycemia.
 - (4) Possessing on the student's person at any time the supplies or equipment necessary to monitor and care for the student's diabetes.
 - (5) Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school related activity.
- (b)** The school nurse shall, in accordance with the requirements that apply to the school nurse under IC 25-23, establish a procedure through which a student described in subsection (a) is cared for in an emergency.
- Sec. 18.** A school shall provide the individual who is responsible for providing transportation for or supervising a student with diabetes during an off-campus school related activity an information sheet that:
- (1) identifies the student with diabetes;
 - (2) identifies potential emergencies that may occur as a result of the diabetes and appropriate responses to an emergency; and
 - (3) provides the telephone number of a contact in case an emergency occurs.

SECTION 3. IC 34-6-2-15.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15.7. "Basic life support" has the meaning set forth in IC 16-18-2-33.5.**

SECTION 4. IC 34-30-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.** A school or school board may not:

- (1) require a teacher or other school employee who is not employed as a school nurse or physician to administer:
 - (A) medication, drugs, or tests described in section 2 of this chapter; or
 - (B) health care services, basic life support, or other services that require the teacher or employee to place the teacher's or employee's hands on a pupil for therapeutic or sanitary purposes; or
- (2) discipline a teacher or other school employee who:
 - (A) is not employed as a school nurse or physician; and
 - (B) refuses to administer medication, drugs, or tests without the written:
 - (i) authority of a pupil's parent or guardian; or
 - (ii) order of a practitioner;
 required under section 2 of this chapter; or
 - (C) refuses to administer health care services, basic life support, or other services that require the teacher or employee to place the teacher's or employee's hands on a pupil for therapeutic or sanitary purposes.

SECTION 5. IC 34-30-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.** If compliance with sections 3 and 4 of this chapter has occurred, a school administrator, teacher, or other school employee designated by the school administrator, after consultation with the school nurse, who in good faith administers **to a pupil:**

- (1) a nonprescription medication in compliance with the written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;
- (2) a legend drug (as defined in IC 16-18-2-199 and including injectable insulin) in compliance with the:
 - (A) written order of a practitioner; and

(B) written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;
(3) a blood glucose test by finger prick in compliance with the written order of a practitioner; or

(4) health care services, basic life support, or other services that require the administrator, teacher, or employee to place the administrator's, teacher's, or employee's hands on the pupil for therapeutic or sanitary purposes; or

(4) (5) any combination of subdivisions (1) through (3);

to a pupil is not personally liable for civil damages for any act that is incident to or within the scope of the duties of the employee as a result of the administration except for an act or omission amounting to gross negligence or willful and wanton misconduct.

SECTION 6. IC 34-30-14-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. A teacher:**

(1) who meets the requirement of IC 20-28-5-3(c); and
(2) who:

(A) performs cardiopulmonary resuscitation on;

(B) performs the Heimlich maneuver on; or

(C) removes a foreign body that is obstructing an airway of;

another person, in the course of employment as a teacher;

is not liable in a civil action for damages resulting from an act or omission occurring during the provision of emergency assistance under this section, unless the act or omission constitutes gross negligence or willful and wanton misconduct.

SECTION 7. [EFFECTIVE UPON PASSAGE] (a) Although IC 20-28-5-3(c), as amended by this act, applies beginning July 1, 2007, a college or university located in Indiana may recommend to a person who has been accepted in a teacher training program before July 1, 2007, that the person should meet the requirements of IC 20-28-5-3(c), as amended by this act.

(b) This SECTION expires June 30, 2009.

SECTION 8. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "ADM" refers to a school corporation's average daily membership determined under IC 20-43-4-2.

(b) As used in this SECTION, "school corporation" means a public school corporation established by Indiana law. The term includes a:

(1) school city;

(2) school town;

(3) school township;

(4) consolidated school corporation;

(5) metropolitan school district;

(6) township school corporation;

(7) county school corporation;

(8) united school corporation; or

(9) community school corporation.

(c) On the date a school corporation reports the school corporation's ADM for the 2007-2008 school year, the school corporation shall also report:

(1) the number of students in the school corporation who have a chronic disease, by disease category; and

(2) the number of school nurses.

Chronic disease includes asthma, diabetes, and any other disease the department of education determines is significant for the school corporation to report.

(d) The department of education shall provide the information required to be reported in subsection (c) to the health finance commission established by IC 2-5-23-3 not later than sixty (60) days after the department of education receives the reported information.

(e) This SECTION expires June 30, 2008.

SECTION 9. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding IC 20-28-5-3(c), as amended by this act, the requirements set forth in IC 20-28-5-3(c) do not apply to an applicant who has received an initial teaching license at any grade level before August 1, 2007, and who seeks initial employment as a teacher under that license for the 2007-2008 school year.

(b) This SECTION expires June 30, 2008.

SECTION 10. An emergency is declared for this act.

(Reference is to EHB 1116 as reprinted April 6, 2007.)

CHEATHAM

LANDSKE

DUNCAN

ROGERS

House Conferees

Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

EHB 1546-1; filed April 24, 2007, at 3:59 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1546 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 2. IC 36-2-11-15, AS AMENDED BY P.L.171-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) This section does not apply to:

(1) an instrument executed before July 1, 1959, or recorded before July 26, 1967;

(2) a judgment, order, or writ of a court;

(3) a will or death certificate;

(4) an instrument executed or acknowledged outside Indiana; or

(5) a federal lien on real property or a federal tax lien on personal property, as described in section 25 of this chapter.

(b) The recorder may receive for record or filing an instrument that conveys, creates, encumbers, assigns, or otherwise disposes of an interest in or lien on property only if:

(1) the name of the person and governmental agency, if any, that prepared the instrument is printed, typewritten, stamped, or signed in a legible manner at the conclusion of the instrument; and

(2) all Social Security numbers in the document are redacted, unless required by law.

(c) An instrument complies with subsection (b)(1) if it contains a statement in the following form: "This instrument was prepared by (name).".

(d) An instrument complies with subsection (b)(2) if it contains a statement in the following form **at the conclusion of the instrument and immediately preceding or following the statement required by subsection (b)(1):** "I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law (name).".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1546 as printed March 23, 2007.)

GIA QUINTA

WYSS

BUELL

ARNOLD

House Conferees

Senate Conferees

The conference committee report was filed and read a first time.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1019 and that the House now concur in the Senate amendments to said bill.

DUNCAN

Roll Call 576: yeas 91, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1092 and that the House now concur in the Senate amendments to said bill.

AVERY

Roll Call 577: yeas 92, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1348 and that the House now concur in the Senate amendments to said bill.

WELCH

Roll Call 578: yeas 89, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1220 and that the House now concur in the Senate amendments to said bill.

HOY

Roll Call 579: yeas 93, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1278.

AUSTIN

Roll Call 580: yeas 87, nays 3. Motion prevailed.

Representative Koch, who had been excused, was present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1287.

RICHARDSON

Roll Call 581: yeas 89, nays 2. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1739.

PELATH

Roll Call 582: yeas 83, nays 9. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1557.

BURTON

Roll Call 583: yeas 91, nays 0. Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1387 because it conflicts with SEA 526-2007 and SEA 108-2007 without properly recognizing the existence of SEA 526-2007 and SEA 108-2007, has had Engrossed House Bill 1387 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1387 be corrected as follows:

Page 4, line 26, after "IC 35-46-3-5" insert ", AS AMENDED BY SEA 526-2007, SECTION 378,".

Page 5, line 16, delete "IC 15-2.1-5-1," and insert "IC 21-46-3-1,".

Page 7, line 18, after "IC 35-46-3-12" insert ", AS AMENDED BY SEA 108-2007, SECTION 1,".

Page 8, reset in roman line 7.

Page 8, line 8, reset in roman "decree under this section".

Page 8, line 9, reset in roman "the court:".

Page 8, reset in roman lines 10 through 19.

(Reference is to EHB 1387 as printed March 16, 2007.)

PELATH, Chair
WHETSTONE, R.M.M.
L. LAWSON, Author

Report adopted.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1312 Conferees : Austin and Neese

Advisors : Denbo and Buell

EHB 1461 Conferees : Kuzman and Bosma

Advisors : Klinker, Dobis, and T. Harris

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 191 Conferees : Tincher and Buell

Advisors : Summers, T. Brown, and T. Harris

ESB 211 Conferees : Porter and Thompson

Advisors : Grubb and Noe

ESB 339 Conferees : VanHaaften and Whetstone

Advisors : Kuzman, Stutzman,
Burton, and Ulmer

ESB 463 Conferees : Tincher and Ruppel

Advisors : Niezgodski, Davis, and Duncan

ESB 537 Conferees : Cheney and Bell

Advisors : Stilwell and Torr

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 81

Representatives Pelath and Dermody introduced House Concurrent Resolution 81:

A CONCURRENT RESOLUTION memorializing John F. Shawley.

Whereas, John F. Shawley was born on June 16, 1921, and passed away on May 14, 2006, at the age of 84;

Whereas, The son of Frank U. and Viola J. Shawley, was born in Michigan City, where he lived most of his life;

Whereas, As a young man, John F. Shawley served in the U.S. air force during World War II, where he was a B29 gunner and instructor;

Whereas, On March 2, 1940, John F. Shawley married Ruth M. Bell and remained married for 66 years until his death;

Whereas, John F. Shawley was a prominent business man, owning the IGA supermarket through 1959, serving as president of Western Michiana Investments for 28 years, and serving as state president of the Indiana Real Estate Association;

Whereas, John F. Shawley was awarded with the Distinguished Citizens Award from the Indiana Real Estate Association for his service to the association and his community;

Whereas, John F. Shawley was a member of the Michigan City Lions Club and Elks Club and served on the board of the Salvation Army. He was also a life member of John Franklin Miller Post 37 American Legion and served on the state board of Ivy Tech College;

Whereas, In 1954, John F. Shawley was elected to the Indiana House of Representatives where he served for six years. His final two years he served as chairman of the Committee on Ways and Means;

Whereas, In 1960, John F. Shawley was elected to the Indiana Senate where he served for twelve years. During his tenure as a legislator, John F. Shawley wrote or sponsored more than 100 bills, including the original Medicaid legislation, which became law. The Indiana Post High School Act and the joint sponsorship of legislation creating Ivy Tech College were among some his accomplishments;

Whereas, John F. Shawley was a strong advocate to bring Purdue North Central to LaPorte County and saw its fruition in 1949;

Whereas, John F. Shawley was and Elder in the Earl Road Christian Church and the First Christian Church. He taught Sunday School for many years and loved children; and

Whereas, John F. Shawley will be remembered by his family and community as a compassionate individual who sought to bring prosperity to his community of LaPorte County and Michigan City, as well as, to the state of Indiana: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana House of Representatives expresses its sincere condolences to the family of John F. Shawley and its appreciation for his many years of service to the citizens of LaPorte County and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to his wife, Ruth, brother, Donald Shawley, Purdue North Central and Ivy Tech State College.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Arnold.

House Concurrent Resolution 82

Representatives Pelath and Dermody introduced House Concurrent Resolution 82:

A CONCURRENT RESOLUTION memorializing Anne H. Daley.

Whereas, Anne H. Daley was born on December 16, 1916, and passed away on July 2, 2006, at the age of 89;

Whereas, The daughter of Michael and Mary Papoy, Anne H. Daley was born in South Bend and lived there until coming to LaPorte in 1938;

Whereas, As a young woman, Anne H. Daley attended Purdue University and graduated from Bethel College with a bachelor of arts degree in sociology. She also attended Valparaiso University graduate school and was certified in graphoanalysis;

Whereas, On February 26, 1938, Anne H. Daley married John P. Daley and together they raised three sons;

Whereas, Anne H. Daley served as LaPorte County recorder for twelve years and as a LaPorte County councilwoman for eight years;

Whereas, Anne H. Daley was dedicated member of Saint Peter Catholic Church of LaPorte;

Whereas, a long-time member of the Democratic Party, Anne H. Daley served as a precinct committee person for more than thirty years and on her party's central committee on a city, county and district level;

Whereas, Anne H. Daley served several times as a delegate to the Democratic state convention and as the president of the LaPorte Area Women's Democratic Club and board member, as well as serving on many of the club's committees;

Whereas, Anne H. Daley was the first LaPorte community member to be president of the Michigan City Women's Democratic Club and worked with her husband, John P. Daley, on LaPorte County Fair projects and was the first to work on the LaPorte County Fair brochure where she continued her service for eight years, she was also active on the historic Pioneer Land Committee;

Whereas, Anne H. Daley served for twenty years in county government, including three terms as county recorder and two terms on the county council where she served as the vice president, being the first female officer on the council;

Whereas, Anne H. Daley was an active member of the Indiana Records Association and a member of the Indiana Association of County Councils, she was also a member of the American Association of University Women and served as a board member and president of the Board of Regency Place Condominiums Association for four years;

Whereas, as an active member of LaPorte County Alumni Leadership Committee and a former board member of the Youth Service Bureau, Anne H. Daley instituted the Anne H. Daley Youth Service Bureau scholarship and, along with her husband, founded the John P. and Anne H. Daley Community Fund;

Whereas, Anne H. Daley graduated from the LaPorte County Leadership class whereupon, in 1995, she received the LaPorte County Distinguished Alumni Leadership award;

Whereas, In 2000, former Governor Frank O'Bannon bestowed upon Anne H. Daley the prestigious "Sagamore of the Wabash" state award; and

Whereas, Anne H. Daley was an exceptional human being who will be remembered for her dedication to her community and the good works which will remain in her stead: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana House of Representatives expresses its sincere condolences to the family of Anne H. Daley and its appreciation for her years as a committed member of LaPorte County and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to her sons, John Jr., David, and James.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Arnold.

House Concurrent Resolution 83

Representative Tyler introduced House Concurrent Resolution 83:

A CONCURRENT RESOLUTION honoring Hurley Goodall.

Whereas, Hurley Goodall, a lifelong resident of Muncie, Indiana, will be honored by Ball State University with an honorary degree;

Whereas, Hurley Goodall was born on May 23, 1927;

Whereas, He and his wife of 51 years, Fredine "Freddie" Goodall, have two sons—Hurley, Jr. and Frederick;

Whereas, Hurley Goodall is an Army veteran who served in Japan from 1945-1947 as a member of the United States Army Corps of Engineers, Pacific Theater;

Whereas, Hurley Goodall served his hometown as the first of two African-Americans to work for the Muncie Fire Department, retiring after years of dedicated service in 1978;

Whereas, Hurley Goodall was the first African-American elected to the Muncie Community Schools' Board of Education and serves as a visiting scholar in the Center for Middletown Studies at Ball State University;

Whereas, Hurley Goodall served in the Indiana House of Representatives from 1978 to 1992 and was the Assistant Floor Leader from 1989 through 1992;

Whereas, While serving in the Indiana General Assembly, Hurley Goodall was recognized as the Indiana State Employees' Association's Legislator of the Year, was a recipient of the Nation Builder Award from the National Black Caucus of State Legislators, and received a Service Award from the Indiana chapter of the NAACP;

Whereas, Hurley Goodall also was given the President's Medal from Ball State University and the Indiana Civil Rights Commission's Spirit of Justice Award, which was first presented to Rosa Parks in 1999 and is given to those who make significant contributions to civil rights;

Whereas, Hurley Goodall has served his state in a variety of ways, including chairing the Indiana Black Legislative Caucus (IBLC), serving as a Democratic National Convention Delegate in 1976, 1980, and 1992, and co-authoring a book in 1976 entitled A History of Negroes in Muncie;

Whereas, After leaving the Indiana General Assembly, Hurley Goodall was appointed to the Indiana Arts Commission by Governor Evan Bayh in July 1994 to fill an unexpired four-year term and reappointed by Governor Bayh in July 1996 to a full four-year term;

Whereas, While serving on the Indiana Arts Commission, Hurley Goodall served as chairman of the Program Evaluation Committee in 1997, chairman of the Cultural Trust Development Committee from 1997 to 1999, and secretary of the Indiana Arts Commission from 1998 to 1999, and he was instrumental in the development of the Indiana Arts Commission Cultural Trust and the passage of the enabling legislation for the Cultural Trust; and

Whereas, Hurley Goodall has spent his life helping others, and his concern and giving nature have touched the lives of many people in Delaware County and throughout the state of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the many contributions that Hurley Goodall has made to his community and his state.

SECTION 2. That the Principal Clerk of the House of

Representatives shall transmit a copy of this resolution to Hurley Goodall and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Errington.

House Resolution 69

Representative Reske introduced House Resolution 69:

A HOUSE RESOLUTION honoring Aaron Holden.

Whereas, Aaron Holden was among the 11 Hoosiers recently inducted into the Red Cross Hall of Fame;

Whereas, These brave Hoosiers are heroes because they faced an extraordinary moment and responded bravely;

Whereas, Aaron Holden, a resident of Pendleton, Indiana, confronted his extraordinary moment on June 15, 2006;

Whereas, Jim Ashcraft, Aaron's neighbor, had been mowing his yard when his wife Jo Ann could not hear the lawn mower that Jim had been running;

Whereas, She looked for him and found a tire sticking out of the pond and her husband's hat on the bank;

Whereas, Jo Ann ran to Aaron Holden for help;

Whereas, Aaron Holden flipped over the 800 pound mower, freed his friend, and dragged him out of the pond; and

Whereas, Heroic acts deserve special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Aaron Holden for his bravery and quick actions without concern for his own well-being and congratulates him on his induction into the Red Cross Hall of Fame.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Aaron Holden and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 70

Representative Pelath introduced House Resolution 70:

A HOUSE RESOLUTION memorializing Al Pontius.

Whereas, Al Pontius was born on September 3, 1925, and passed away on December 30, 2006, at the age of 81;

Whereas, The son of Alvin and Beulah Pontius, Al Pontius was born in LaPorte where he lived for most of his fruitful life;

Whereas, Al Pontius married his wife of 33 years, Jean Ann, and together they raised three daughters and one son;

Whereas, Al Pontius served in the Navy during World War II and upon returning, began an illustrious entrepreneurial career;

Whereas, Al Pontius founded Al's Supermarkets, opening his first store in 1946 in Michigan City;

Whereas, Al Pontius expanded his business through hard work and a dedication to customer satisfaction which enabled him to eventually open at total of six grocery stores;

Whereas, Al Pontius championed the values of small business by successfully operating his company in the midst of the rise of corporate chains and graciously employed the former owners of those businesses which did not survive, benefitting the greater community with their wealth of knowledge;

Whereas, A prominent local businessman and chairman of Lakeshore Foods, Al Pontius was an investor in Sullivan Machine Corporation, where he served as vice president and on the board of directors;

Whereas, Al Pontius was deeply committed to his community serving as the president of the Saint Anthony Memorial Advisory Board and the Pottawattomie Country Club, as well as serving many years on the boards of the Samaritan Center and Horizon Bank;

Whereas, Al Pontius was an active member of Bird Key Yacht Club, Pottawattomie Country Club, Long Boat Key Club, Sorin Society, Moose Lodge, Elks Club, Marquette High School and Northern Masonic Jurisdiction;

Whereas, Al Pontius was a great supporter of and raised funds for the LaPorte County Fair, Boy Scouts, Marquette High School, Saint Anthony Memorial, United Way and the American Heart Association;

Whereas, In an effort to raise funds for the local Red Cross, Al Pontius sponsored an open golf tournament for ten years;

Whereas, Al Pontius was the recipient of the "Book of Golden Deeds" Awards by the Exchange Club and the "Liberty Bell" Award by the Michigan City Bar Association; and

Whereas, During the Fourth of July Parade, Al Pontius was honored as grand marshal and named as one of LaPorte County's "Very Best Men.": Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its sincere condolences to the family of Al Pontius and its appreciation for his years of commitment to his community of LaPorte County and to the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to his wife, Jean Ann, daughters, Judith, Lynda, and Cathy, and son, Gil.

The resolution was read a first time and adopted by voice vote.

House Resolution 71

Representative Kuzman introduced House Resolution 71:

A HOUSE RESOLUTION recognizing the Crown Point High School cheerleading team.

Whereas, Today's cheerleaders soar through the air, climb human pyramids, somersault over and over again, and catch their teammates as they return to the ground;

Whereas, The Crown Point High School cheerleading team has proven that its members excel at all these difficult maneuvers by qualifying to attend the 2007 Cheerleaders of America Nationals;

Whereas, In order to attend the Cheerleaders of America Nationals, a team must qualify at a regional event prior to the national competition;

Whereas, The Crown Point coed cheerleading team placed first, and the two all-girl stunt groups took first and second at the regional qualifier;

Whereas, The Crown Point cheerleading teams performed admirably at the nationals competition with the small varsity coed mount team finishing 4th, the all-girl stunt team #1 finishing 4th, the all-girl stunt team #2 finishing 7th, the coed stunt team #1 finishing second, the coed stunt team #2 finishing third, the boy-girl partner stunt team #1 finishing second, and the boy-girl stunt team #2 finishing third;

Whereas, Cheerleading is a year-round sport that requires a tremendous amount of hard work and dedication; and

Whereas, Like any athletic endeavor, the members of the Crown Point High School cheerleading squad work tirelessly to maintain their level of excellence: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the Crown Point High School cheerleading team on the 2007 Cheerleaders Of America Nationals and wishes its members continued success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Ben Allen, Bobbie Ferrell-Brey, Katie Duncan, Michelle Laurie, Meredith Luedtke, Stacy Martin, Ashley Szymborski, Emily Kasch, Abbie Pillar, Samantha Roth, Kloe Belush, Ethan Breitweiser, Kaitlin Cannon, Natalie Einikis, Sarah Ferry, Samantha Kats, Jessica Modglin, Kaleigh Mueller, Maddie Chambers, Hannah Gurney, Xia Meng Howie, Cally Kline, Missy Monix, Amanda Nisle, Brianna Starzak, and Jaimie Teske; head varsity coach Paula Luedtke; assistant coach Tammy Daugherty; junior varsity coach Amanda Carlson; conditioning coach Shannon Fleming; principal Ryan Pitcock; and superintendent Dr. Teresa A. Eineman.

The resolution was read a first time and adopted by voice vote.

House Resolution 72

Representative Micon introduced House Resolution 72:

A HOUSE RESOLUTION recognizing Purdue University libraries.

Whereas, Purdue University libraries will celebrate their centennial as a Federal Depository Library in 2007;

Whereas, Purdue entered the Federal Depository Library Program (FDLP) in 1907 as a result of congressional legislation extending federal depository library status to land-grant universities;

Whereas, The Purdue University libraries provide an extensive historical and contemporary collection of U.S. Government information resources documenting the historical, political, economic, scientific, social, and cultural history of Indiana and the United States; and

Whereas, The Purdue University Federal Depository libraries provide the citizens of Indiana and the students of Purdue University with a wealth of information: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the Purdue University libraries for their fine collection of informational resources.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Professor Bert Chapman, Government Information Librarian.

The resolution was read a first time and adopted by voice vote.

House Resolution 73

Representative Duncan introduced House Resolution 73:

A HOUSE RESOLUTION honoring Harufumi Sakai.

Whereas, Mr. Harufumi Sakai will soon step down as president and CEO of GECOM Corporation in Greensburg, Indiana, and return to Japan;

Whereas, As head of GECOM, Mr. Sakai directs one of the world's largest manufacturers of door latches, trunk locks, door handles, and other automobile components;

Whereas, GECOM, an acronym for Greensburg Equipment and Components Manufacturing, is a wholly owned subsidiary of Mitsui Kinzoku Company, a worldwide mining, engineering, and manufacturing corporation that operates more than 40

manufacturing facilities in the United States, Thailand, China, and Japan;

Whereas, As a world class manufacturer, Mr. Sakai considers it the responsibility of GECOM to give back to the community and has contributed to many organizations in Greensburg, including the Decatur County Community Foundation, the Decatur County United Fund, Big Brothers Big Sisters, and the Arts and Cultural Council; and

Whereas, Mr. Sakai has guided GECOM wisely and created an atmosphere of respect between the company and the community: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Mr. Harufumi Sakai for his many contributions to the Greensburg community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mr. Harufumi Sakai.

The resolution was read a first time and adopted by voice vote.

House Resolution 74

Representative Austin introduced House Resolution 74:

A HOUSE RESOLUTION recognizing the Salon Professional Academy in Anderson, Indiana.

Whereas, The field of cosmetology provided 790,000 jobs in 2004;

Whereas, Overall employment of cosmetologists and other personal appearance workers is projected to grow approximately as fast as the average for all occupations through 2014;

Whereas, Redken is bringing a fine institution for vocational training to Anderson, Indiana, to help those young people interested in these professions;

Whereas, The Salon Professional Academy is the first Redken-sponsored school in Indiana focusing on training of cosmetology, esthetics, and nail services;

Whereas, The Salon Professional Academy will provide students with a salon environment and specialized training in critical thinking skills and goal setting to help ensure career success; and

Whereas, With the establishment of the Salon Professional Academy, Redken is providing the youth of Anderson and surrounding communities with another option that will help to prepare them for a successful and profitable future: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the Salon Professional Academy on the grand opening of the school in Anderson and wishes the Academy success.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Salon Professional Academy.

The resolution was read a first time and adopted by voice vote.

House Resolution 75

Representatives Pierce and Welch introduced House Resolution 75:

A HOUSE RESOLUTION honoring Leila Vaziri.

Whereas, Leila Vaziri is the current world record holder in

the women's 50 meter backstroke;

Whereas, Leila Vaziri set the new world record on March 28, 2007, at the World Aquatics Championships in Melbourne, Australia, with a time of 28.16 seconds;

Whereas, With this record, Leila Vaziri becomes the first female Indiana University swimmer to break a world record or win a world championship;

Whereas, In addition to her gold medal, Leila Vaziri placed 10th in the 100 meter backstroke at the world championships;

Whereas, Two weeks before the world championships, Leila Vaziri earned a bronze medal in the 100 yard backstroke at the NCAA championships;

Whereas, Leila Vaziri will leave an indelible mark at Indiana University because, in addition to her world championship victory, she has earned 15 All-America certificates during her Hoosier career, the most in school history; and

Whereas, The accomplishments of this outstanding swimmer should be recognized by all of the people of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Leila Vaziri for setting a new world record in the women's 50 meter backstroke at the world championships and wishes her continued success in all her future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Leila Vaziri.

The resolution was read a first time and adopted by voice vote.

House Resolution 76

Representative Oxley introduced House Resolution 76:

A HOUSE RESOLUTION honoring Ron Ferguson.

Whereas, The story of Ron Ferguson's basketball career begins and ends in Crawford County;

Whereas, Ron Ferguson graduated from Milltown High School and Indiana University;

Whereas, Ron Ferguson began his teaching and coaching career in 1957 at Milltown High School;

Whereas, In addition to his teaching and coaching duties, Ron Ferguson also served as the athletic director for Milltown High School, a position he held for 19 years;

Whereas, While at Milltown, Ron Ferguson won 269 games and lost 152;

Whereas, When Milltown High School was consolidated into Crawford County High School, Ron Ferguson stayed on as coach and athletic director, establishing a record of 45 wins and 20 losses, giving him a total of 314 career wins;

Whereas, During his career, Ron Ferguson won 65 percent of his games but never lost perspective, continually reminding his players to keep their priorities in line - God, family, school, basketball;

Whereas, Crawford High School honored Ron Ferguson by renaming the gym in his honor; and

Whereas, Ron Ferguson stands as an example of an outstanding Hoosier who dedicated his life to developing the character and spirit of the young people of Crawford County: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Ron Ferguson on his induction into the Indiana

Basketball Hall of Fame and thanks him for his dedication to the student athletes of Crawford County.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Ron Ferguson and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 77

Representative Richardson introduced House Resolution 77:

A HOUSE RESOLUTION honoring Nick Gulling on the occasion of his retirement.

Whereas, Nick Gulling is retiring as the Hancock County Sheriff, a position he has held for 16 years;

Whereas, A member of the Hancock County Sheriff's Department for 25 years, Nick Gulling also served with the Indiana State Police for 12 years;

Whereas, Nick Gulling served in the Indiana House of Representatives representing District 53 for six years and served on the Courts and Criminal Code Committee and the Public Safety Committee;

Whereas, A graduate of the FBI Academy, Nick Gulling retired from the Indiana National Guard with the rank of captain and also worked as an emergency medical technician;

Whereas, Nick Gulling is a member of the Fraternal Order of Police, the Indiana Sheriff's Association, the National Sheriff's Association, the American Legion, the Amateur Radio Relay League, the American Professional Communication Officers, and the National Emergency Number Association; and

Whereas, Nick Gulling has spent most of his life helping others and stands as an example of the dedication and compassion displayed by law enforcement officers throughout our state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the dedication and service Nick Gulling has given his community and his state and wishes him happiness and prosperity in retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Nick Gulling and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 78

Representatives V. Smith and T. Brown introduced House Resolution 78:

A HOUSE RESOLUTION recognizing Kwame M. Kilpatrick.

Whereas, In 2002, Kwame M. Kilpatrick was elected the 60th mayor of Detroit, Michigan, at the age of 31, the youngest mayor of any major American city;

Whereas, Mayor Kilpatrick has garnered national recognition for successfully leading Detroit through a crisis posed by a large oil spill on the Detroit River and was recognized for his efforts during the largest blackout in United States history;

Whereas, Mayor Kilpatrick has, during a sluggish economy, led Detroit to the largest residential, commercial, and economic development boom in 50 years, initiated more than 7,400 residential housing starts, a \$2 billion redevelopment of Detroit's Riverfront, and recruited more than 65 new businesses;

Whereas, Before his election as mayor, Kwame M. Kilpatrick

was the first African-American and the youngest person elected as leader of the Michigan House Democratic Caucus; and

Whereas, Mayor Kwame M. Kilpatrick has helped move the city of Detroit into a brighter future: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes Mayor Kwame M. Kilpatrick for his many contributions to Detroit and Michigan.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mayor Kwame M. Kilpatrick.

The resolution was read a first time and adopted by voice vote.

House Resolution 79

Representatives V. Smith and T. Brown introduced House Resolution 79:

A HOUSE RESOLUTION honoring Father Boniface Hardin.

Whereas, Father Boniface Hardin is the president of Martin University;

Whereas, Father Hardin founded Martin University in 1977 to educate black students;

Whereas, Father Hardin has received numerous awards and recognitions for his devotion to the community;

Whereas, Father Hardin was named "International Citizen of the Year" by the International Center of Indianapolis in November 2002, "Living Legend" by the Indiana Historical Society in July 2002, and a "Living Legend in Black" by the Hoosier Minority Black Chamber of Commerce, to mention just a few;

Whereas, Father Hardin portrayed Frederick Douglass in "Frederick Douglass and America," a play presented at Martin University in honor of the 100th anniversary of Douglass' death;

Whereas, Father Hardin feels that Douglass — former slave, abolitionist, ambassador to Haiti, and social reformer—was the "greatest orator in American history"; and

Whereas, Father Hardin remains active as a member of the Tuskegee Airmen, the Downtown Rotary Club of Indianapolis, the Indiana Association of Women in Education, and the National Council of Negro Women: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Father Boniface Hardin for his years of dedicated service to Martin University and the citizens of Indiana, and acknowledges his numerous contributions to African Americans throughout the United States.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Reverend Boniface Hardin.

The resolution was read a first time and adopted by voice vote.

House Resolution 80

Representative Welch introduced House Resolution 80:

A HOUSE RESOLUTION urging the establishment of an interim study committee on student loan affordability.

Whereas, A college education is one of the single largest investments a person makes in his or her lifetime; and

Whereas, The availability of student loans can greatly affect the affordability of higher education: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish an interim study committee to study student loan affordability.

SECTION 2. That the committee, if established, shall study the lending practices of publicly supported and private postsecondary educational institutions and lenders who originate, purchase, or service student loans in Indiana, including Stafford loans, federal PLUS loans, opportunity or alternative loans, and consolidation loans.

SECTION 3. That the committee, if established, shall invite publicly supported and private postsecondary educational institutions, the State Student Assistant Commission of Indiana, the Lumina Foundation, and lenders who originate, purchase, or service student loans in Indiana to offer recommendations regarding the delivery of student loans and specific actions that need to be taken by the general assembly, state agencies, lenders, and public and private postsecondary institutions to address the following:

- (1) Student financial aid policies and lending practices of publicly supported and private postsecondary educational institutions and lenders who originate, purchase, or service student loans in Indiana.
- (2) Specific ways to provide students, parents, guardians, or custodians of students with the information and opportunities they need to obtain competitively priced and affordable student loans.
- (3) Strategies for reducing reliance on student loans and encouraging saving for college, as well as other means for financing a postsecondary education.
- (4) Action needed to ensure greater competition, transparency, and public disclosure in student lending.

SECTION 4. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

Senate Concurrent Resolution 104

The Speaker handed down Senate Concurrent Resolution 104, sponsored by Representatives Day, Avery, Cochran, and Bauer:

A CONCURRENT RESOLUTION memorializing former Congressman James P. Jontz.

Whereas, Jim Jontz became, at age 22, one of the youngest people ever elected to the General Assembly;

Whereas, Mr. Jontz served in the Indiana House of Representatives from 1974 to 1984 and the Indiana Senate from 1984 to 1988;

Whereas, Mr. Jontz was elected to the U.S. House of Representatives in 1988 and 1990 where he championed labor and environmental causes;

Whereas, Mr. Jontz, in each of his positions, fostered a personal style of politics that brought him frequent contact with his constituents and a dedication to popular causes;

Whereas, Mr. Jontz focused his energy on fighting corruption and other forms of governmental largesse;

Whereas, Mr. Jontz is best known for his activities as an environmentalist and was a leader in developing ties between labor organizations and environmental groups;

Whereas, Mr. Jontz pursued his passion for the environment after leaving government by directing the Western Ancient Forest Campaign as well as helping begin the Alliance for Sustainable Jobs and the Environment;

Whereas, Mr. Jontz was a dynamic leader as president of

Americans for Democratic Action; and

Whereas, Mr. Jontz will be fondly remembered for the passion he brought to issues and the collegial way he pursued those goals: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana State Senate hereby memorializes James P. Jontz.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Mr. Jontz's family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 550-1; filed April 25, 2007, at 10:35 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 550 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-24-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The application form for a driver's license and an identification card issued under IC 9-24-16 must allow an applicant to acknowledge the making of an anatomical gift under ~~IC 29-2-16.1~~ **IC 29-2-16.1**.

SECTION 2. IC 9-24-17-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The form described in section 1 of this chapter must allow the person making the gift to make an election under ~~IC 29-2-16-11~~ **IC 29-2-16.1-4**.

SECTION 3. IC 16-19-3-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2007]: Sec. 26. (a) The anatomical gift promotion fund is established. The fund consists of amounts distributed to the fund by the auditor of state under IC 9-18-2-16.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(c) The state department shall administer the fund. Any expenses incurred in administering the fund shall be paid from the fund.

(d) The money in the fund shall be distributed quarterly to the Indiana Donation Alliance Foundation **and Donate Life Indiana** for the purpose of implementing an organ, tissue, and marrow registry and to promote organ, tissue, and marrow donation.

(e) The Indiana Donation Alliance Foundation **and Donate Life Indiana** shall keep information regarding the identity of an individual who has indicated a desire to make an organ or tissue donation confidential.

(f) The Indiana Donation Alliance Foundation **and Donate Life Indiana** shall submit an annual report, including a list of all expenditures, to the chairperson of the:

- (1) legislative council;
- (2) senate health committee; and
- (3) house public health committee;

before ~~January~~ **March** 15. The report must be in an electronic

format under IC 5-14-6.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(h) This subsection applies if the Indiana Donation Alliance Foundation **or Donate Life Indiana**

~~(1)~~ loses its status as an organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. ~~or~~

~~(2)~~ ceases its affiliation with at least three ~~(3)~~ of the following organizations:

~~(A) American Red Cross Tissue Service;~~

~~(B) Children's Organ Transplant Association;~~

~~(C) Community Tissue Services;~~

~~(D) Indiana Lions Eye & Tissue Transplant Bank;~~

~~(E) Indiana Organ Procurement Organization;~~

~~(F) St. Joseph Hospital Tissue Bank and Indiana Cardiac Retrieval;~~

The Indiana Donation Alliance Foundation **and Donate Life Indiana** shall report in an electronic format under IC 5-14-6 to the chairpersons of the senate standing committee, as determined by the president pro tempore of the senate, and the house standing committee, as determined by the speaker of the house of representatives, that have subject matter jurisdiction over health issues. The chairpersons shall review the report and recommend to the state department whether to continue distributions under subsection (d).

(i) This section expires July 1, ~~2007~~; **2012**.

SECTION 4. IC 16-19-3-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 29. The state department shall compile and make available for public inspection records of a coroner or designee denying recovery of an anatomical gift as described in IC 36-2-14-22.6(f) and IC 36-2-14-22.6(g).**

SECTION 5. IC 16-41-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this chapter, "bank" has the meaning set forth in ~~IC 29-2-16-1~~; **IC 29-2-16.1-1**.

SECTION 6. IC 16-41-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. As used in this chapter, "hospital" has the meaning set forth in ~~IC 29-2-16-1~~; **IC 29-2-16.1-1**.

SECTION 7. IC 16-41-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. As used in this chapter, "physician" has the meaning set forth in ~~IC 29-2-16-1~~; **IC 29-2-16.1-1**.

SECTION 8. IC 16-41-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. As used in this chapter, "storage facility" has the meaning set forth in ~~IC 29-2-16-1~~; **IC 29-2-16.1-1**.

SECTION 9. IC 16-41-12-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. As used in this chapter, "surgeon" has the meaning set forth in ~~IC 29-2-16-1~~; **IC 29-2-16.1-1**.

SECTION 10. IC 21-44-1-4, AS ADDED BY SEA 526-2007, SECTION 285, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. "Cadaver" means a whole human postmortem body that:

(1) has been donated under ~~IC 29-2-16~~; **IC 29-2-16.1**;

(2) is unclaimed by a relative or other legal representative and that would otherwise be required to be buried at public expense; or

(3) is otherwise legally procured by the Indiana University School of Medicine.

SECTION 11. IC 21-44-2-1, AS ADDED BY SEA 526-2007, SECTION 285, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The dean of the Indiana University School of Medicine or the dean's designee shall administer the anatomical education program in accordance

with policies adopted by the dean or the dean's designee under section 2(1) of this chapter.

(b) In administering the anatomical education program, the dean or the dean's designee shall:

(1) administer body bequests made to eligible institutions under ~~IC 29-2-16~~; **IC 29-2-16.1**; and

(2) maintain written records of all transactions undertaken under the anatomical education program.

(c) In administering the anatomical education program, the dean or the dean's designee may through the trustees of Indiana University:

(1) enter into contracts; and

(2) employ qualified staff either on a full-time or part-time basis, including a licensed funeral director to assist in the operation and coordination of the anatomical education program.

SECTION 12. IC 29-2-16.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 16.1. Revised Uniform Anatomical Gift Act

Sec. 1. The following definitions apply throughout this chapter:

(1) "Adult" means an individual at least eighteen (18) years of age.

(2) "Agent" means an individual who is:

(A) authorized to make health care decisions on behalf of another person by a health care power of attorney; or

(B) expressly authorized to make an anatomical gift on behalf of another person by a document signed by the person.

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

(4) "Bank" or "storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts of human bodies.

(5) "Decedent":

(A) means a deceased individual whose body or body part is or may be the source of an anatomical gift; and

(B) includes:

(i) a stillborn infant; and

(ii) except as restricted by any other law, a fetus.

(6) "Disinterested witness" means an individual other than a spouse, child, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift or another adult who exhibited special care and concern for the individual. This term does not include a person to whom an anatomical gift could pass under section 10 of this chapter.

(7) "Document of gift" means a donor card or other record used to make an anatomical gift, including a statement or symbol on a driver's license, identification, or donor registry.

(8) "Donor" means an individual whose body or body part is the subject of an anatomical gift.

(9) "Donor registry" means:

(A) a data base maintained by:

(i) the bureau of motor vehicles under IC 9-24-17-9; or

(ii) the equivalent agency in another state;

(B) the Donate Life Indiana Registry maintained by the Indiana Donation Alliance Foundation; or

(C) a donor registry maintained in another state; that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(10) "Driver's license" means a license or permit issued by the bureau of motor vehicles to operate a vehicle.

(11) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(12) "Guardian" means an individual appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

(13) "Hospital" means a facility licensed as a hospital under the laws of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(14) "Identification card" means an identification card issued by the bureau of motor vehicles.

(15) "Minor" means an individual under eighteen (18) years of age.

(16) "Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.

(17) "Parent" means an individual whose parental rights have not been terminated.

(18) "Part" means an organ, an eye, or tissue of a human being. The term does not mean a whole body.

(19) "Pathologist" means a physician:

- (A) certified by the American Board of Pathology; or
- (B) holding an unlimited license to practice medicine in Indiana and acting under the direction of a physician certified by the American Board of Pathology.

(20) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, instrumentality, or any other legal or commercial entity.

(21) "Physician" or "surgeon" means an individual authorized to practice medicine or osteopathy under the laws of any state.

(22) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

(23) "Prospective donor" means an individual who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. The term does not include an individual who has made an appropriate refusal.

(24) "Reasonably available" means:

- (A) able to be contacted by a procurement organization without undue effort; and
- (B) willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(25) "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.

(26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(27) "Refusal" means a record created under section 6 of this chapter that expressly states the intent to bar another person from making an anatomical gift of an individual's body or part.

(28) "Sign" means, with the present intent to authenticate or adopt a record:

- (A) to execute or adopt a tangible symbol; or
- (B) to attach to or logically associate with the record

an electronic symbol, sound, or process.

(29) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(30) "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an eye enucleator.

(31) "Tissue" means a part of the human body other than an organ or an eye. The term does not include blood or other bodily fluids unless the blood or bodily fluids are donated for the purpose of research or education.

(32) "Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

(33) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of organ transplant patients.

Sec. 2. This chapter applies to:

- (1) an anatomical gift;
- (2) an amendment to an anatomical gift;
- (3) a revocation of an anatomical gift; or
- (4) a refusal to make an anatomical gift.

Sec. 3. Subject to section 7 of this chapter, an anatomical gift of a donor's body or part may be made during the life of the donor for the purpose of transplantation, therapy, research, or education in the manner provided in section 4 of this chapter by:

(1) the donor, if the donor is an adult or if the donor is a minor and is:

- (A) emancipated; or
- (B) authorized under state law to apply for a driver's license because the donor is at least sixteen (16) years of age;

(2) an agent of the donor, unless the health care power of attorney or other record prohibits the agent from making an anatomical gift;

(3) a parent of the donor, if the donor is not emancipated; or

(4) the donor's guardian.

Sec. 4. (a) A donor may make an anatomical gift:

(1) by authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;

(2) in a will;

(3) during a terminal illness or injury of the donor, by any form of communication directed to at least two (2) adults, at least one (1) of whom is a disinterested witness; or

(4) as provided in subsection (b).

(b) A donor or other person authorized to make an anatomical gift under section 3 of this chapter may make a gift by:

(1) a donor card or other record signed by the donor or other person making the gift; or

(2) authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry.

(c) If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and must:

- (1) be witnessed by at least two (2) adults, at least one (1) of whom is a disinterested witness, who have signed at the request of the donor or the other person; and
- (2) state that it has been signed and witnessed as

provided in subdivision (1).

- (d) Revocation, suspension, expiration, or cancellation of:
 (1) a driver's license; or
 (2) an identification card;

that indicates an anatomical gift does not invalidate the gift.

(e) An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

Sec. 5. (a) Subject to section 7 of this chapter, a donor or other person authorized to make an anatomical gift under section 3 of this chapter may amend or revoke an anatomical gift by:

- (1) a record signed by:
 (A) the donor;
 (B) the other person; or
 (C) subject to subsection (b), another individual acting at the direction of the donor or the other person authorized to make an anatomical gift if the donor or other person is physically unable to sign; or
 (2) a later executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

- (b) A record signed under subsection (a)(1)(C) must:

- (1) be witnessed by two (2) adults, at least one (1) of whom is a disinterested witness, who are witnesses at the request of the donor or the other person authorized to make an anatomical gift; and
 (2) state that the record has been signed and witnessed as described in subdivision (1).

(c) Subject to section 7 of this chapter, a donor or other person authorized to make an anatomical gift under section 3 of this chapter may revoke an anatomical gift by the destruction or cancellation of the:

- (1) document of gift; or
 (2) portion of the document of gift used to make the gift;

with the intent to revoke the gift.

(d) A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two (2) adults, at least one (1) of whom is a disinterested witness.

(e) A donor who makes an anatomical gift in a will may amend or revoke the gift as described in subsection (a).

Sec. 6. (a) An individual may refuse to make an anatomical gift of the individual's body or part by:

- (1) a record signed by:
 (A) the individual; or
 (B) subject to subsection (b), another individual acting at the direction of the individual if the individual is physically unable to sign;
 (2) the individual's will, including if the will is admitted to probate or invalidated after the individual's death; or
 (3) any form of communication made by the individual during the individual's terminal illness or injury to at least two (2) adults, and one (1) of the adults must be a disinterested witness.

- (b) A record signed under subsection (a)(1)(B) must:

- (1) be witnessed by two (2) adults, at least one (1) of whom is a disinterested witness, who are witnesses at the request of the donor or the other person acting at the direction of the donor; and
 (2) state that the record has been signed and witnessed as described in subdivision (1).

(c) An individual who has made a refusal may amend or revoke the refusal:

- (1) in the manner described in subsection (a);
 (2) by subsequently making an anatomical gift under section 4 of this chapter that is inconsistent with the

refusal; or

- (3) by destroying or cancelling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

(d) Except as provided in section 7(h) of this chapter, in the absence of an express, contrary indication by the individual set forth in the refusal, an individual's unrevoked refusal to make an anatomical gift of the individual's body or part bars another person from making an anatomical gift of the individual's body or part.

Sec. 7. (a) Except as otherwise provided in subsection (g) and subject to subsection (f), in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending, or revoking an anatomical gift of a donor's body or part if the donor made an anatomical gift of the donor's body or part under section 4 of this chapter or an amendment to an anatomical gift of the donor's body or part under section 5 of this chapter.

(b) A donor's revocation of an anatomical gift of the donor's body or part under section 5 of this chapter is not a refusal and does not bar the person specified in section 3 or section 8 from making an anatomical gift of the donor's body or part under section 4 or 9 of this chapter.

(c) If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under section 4 of this chapter or an amendment to an anatomical gift of the donor's body or part under section 5 of this chapter, another person may not make, amend, or revoke the gift of the donor's body or part under section 9 of this chapter.

(d) A revocation of an anatomical gift of a donor's body or part under section 5 of this chapter by a person other than the donor does not bar another person from making an anatomical gift of the body or part under section 4 or 9 of this chapter.

(e) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 3 of this chapter, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

(f) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 3 of this chapter, an anatomical gift of a part for one (1) or more of the purposes set forth in section 3 of this chapter is not a limitation on the making of an anatomical gift of the part for any of the other purposes of the donor or any other person under section 4 or 9 of this chapter.

(g) If a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.

(h) If an unemancipated minor who signed a refusal dies, a parent of the minor who is reasonably available may revoke the minor's refusal.

Sec. 8. (a) Subject to subsections (b) and (c), unless barred by section 6 or 7 of this chapter, an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research, or education may be made by any member of the following classes of persons who are reasonably available, in the order of priority listed:

- (1) An agent of the decedent at the time of death who could have made an anatomical gift under section 3(2) of this chapter immediately before the decedent's death.
- (2) The spouse of the decedent.
- (3) Adult children of the decedent.
- (4) Parents of the decedent.
- (5) Adult siblings of the decedent.
- (6) Adult grandchildren of the decedent.
- (7) Grandparents of the decedent.
- (8) An adult who exhibited special care and concern for

the decedent.

(9) A person acting as the guardian of the decedent at the time of death.

(10) Any other person having the authority to dispose of the decedent's body.

(b) If there is more than one (1) member of a class listed in subsection (a)(1), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(9) entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to whom the gift may pass under section 10 of this chapter knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

(c) A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection (a) is reasonably available to make or to object to the making of an anatomical gift.

Sec. 9. (a) A person authorized to make an anatomical gift under section 8 of this chapter may make an anatomical gift by a document or may make an anatomical gift by a document of gift signed by the person making the gift or by that person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the individual receiving the oral communication.

(b) Subject to subsection (c), an anatomical gift by a person authorized under section 8 of this chapter may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one (1) member of the prior class is reasonably available, the gift made by a person authorized under section 8 of this chapter may be:

- (1) amended only if a majority of the reasonably available members agree to the amending of the gift; or
- (2) revoked only if a majority of the reasonably available members agree to the revoking of the gift or if they are equally divided as to whether to revoke the gift.

(c) A revocation under subsection (b) is effective only if, before an incision has been made to remove a part from the donor's body or before invasive procedures have begun to prepare the recipient, the procurement organization, transplant hospital, or physician or technician knows of the revocation.

Sec. 10. (a) An anatomical gift may be made to the following persons named in the document of gift:

- (1) A hospital.
- (2) An accredited medical school, dental school, college, or university.
- (3) An organ procurement organization.
- (4) An appropriate person for research or education.
- (5) Subject to subsection (b), an individual designated by the person making the anatomical gift if the individual is the recipient of the part.
- (6) An eye bank.
- (7) A tissue bank.

(b) If an anatomical gift to an individual under subsection (a)(5) cannot be transplanted into the individual, the part passes in accordance with subsection (g) in the absence of an express, contrary indication by the person making the anatomical gift.

(c) If an anatomical gift of one (1) or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection (a) but identifies the purpose for which an anatomical gift may be used, the following rules apply:

- (1) If the part is an eye and the gift is for the purpose of:
 - (A) transplantation;
 - (B) therapy;

(C) education; or

(D) research;

the gift passes to the appropriate eye bank that has an agreement to recover donated eyes from patients who die within the hospital. The eye bank is considered to be the custodian of the donated eye.

(2) If the part is tissue and the gift is for the purpose of:

(A) transplantation; or

(B) therapy;

the gift passes to the appropriate tissue bank that has an agreement to recover donated tissue from patients that die within the hospital. The tissue bank is considered to be the custodian of the donated tissue.

(3) If the part is an organ and the gift is for the purpose of:

(A) transplantation; or

(B) therapy;

the gift passes to the appropriate organ procurement organization that has an agreement to recover donated organs from patients who die within the hospital. The procurement organization is considered to be the custodian of the donated organs.

(4) If the part is an organ, an eye, or tissue from a patient who dies within a hospital and the gift is for the purpose of research or education, the gift passes to the appropriate procurement organization that has an agreement to recover donated organs, tissue, or eyes from patients who die within the hospital.

(d) For the purpose of subsection (c), if there is more than one (1) purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift must be used for transplantation or therapy, if suitable. If the gift cannot be used for transplantation or therapy, the gift may be used for research or education.

(e) If an anatomical gift of one (1) or more specific parts is made in a document of gift that does not name a person described in subsection (a) and does not identify the purpose of the gift, the gift may be used only for transplantation, research, or therapy, and the gift passes in accordance with subsection (g).

(f) If a document of gift specifies only a general intent to make an anatomical gift by words such as "donor", "organ donor", or "body donor", or by a symbol or statement of similar import, the gift may be used only for transplantation, research, or therapy, and the gift passes in accordance with subsection (g).

(g) For purposes of subsections (b), (e), and (f), the following rules apply:

(1) If the part is an eye, the gift passes to the appropriate eye bank.

(2) If the part is tissue, the gift passes to the appropriate tissue bank.

(3) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(h) An anatomical gift of an organ for transplantation, therapy, or research, other than an anatomical gift under subsection (a)(2), passes to the organ procurement organization as custodian of the organ.

(i) If an anatomical gift does not pass pursuant to subsections (a) through (h) or the decedent's body or part is not used for transplantation, therapy, research, or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

(j) A person may not accept an anatomical gift if the person knows that the:

- (1) gift was not effectively made under section 4 or 9 of this chapter; or
- (2) decedent made a refusal under section 6 of this chapter that was not revoked.

(k) For purposes of subsection (j), if a person knows that an anatomical gift was made on a document of gift, the person is considered to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

(l) If the gift is made by the donor to a specified donee, the will, card, or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death. Delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility, or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

(m) If the will, card, or other document, or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by:

- (1) the execution and delivery to the donee of a signed statement;
- (2) an oral statement made in the presence of two (2) persons and communicated to the donee;
- (3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee; or
- (4) a signed card or document found on the decedent's person or in the decedent's effects.

(n) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (m) or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(o) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (m).

(p) Except as otherwise provided in subsection (a)(2), this chapter does not affect the allocation of organs for transplantation or therapy.

Sec. 11. (a) The following persons shall make a reasonable search of an individual who the person reasonably believes is dead or near death in a hospital for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal:

- (1) An organ procurement organization.
- (2) A tissue bank.
- (3) An eye bank.
- (4) If no other source of the information is immediately available, a hospital, as soon as practical after the individual's arrival at the hospital.

(b) If a document of gift or a refusal to make an anatomical gift is located by the search required by subsection (a) and the individual or deceased individual to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

(c) A person is not subject to civil liability for failing to discharge the duties imposed by this section but may be subject to criminal liability or administrative sanctions.

Sec. 12. (a) The individual's attending physician, or, if none, the:

- (1) physician that certifies the individual's death;
- (2) hospital where the individual is admitted;
- (3) hospital where the individual's remains are being kept; or
- (4) individual identified in section 8(a) of this chapter;

may petition a court with probate jurisdiction in the county where the remains of the individual who is the subject of the petition are located, or the county in which the individual died, for the information referred to in subsection (b).

(b) A person identified in subsection (a) may petition the

court with probate jurisdiction specified in subsection (a) to determine whether the individual:

(1) made a written anatomical gift under section 4 of this chapter or IC 9-24-17; or

(2) made a written revocation of an anatomical gift under section 5 of this chapter or under IC 9-24-17.

(c) If the court with probate jurisdiction determines under subsection (b) that the individual made a written anatomical gift that was not subsequently revoked in writing by the individual, the court shall order that the anatomical gift of an organ, tissue, or an eye be recovered.

(d) The court with probate jurisdiction may modify or waive notice and a hearing if the court determines that a delay would have a serious adverse effect on:

- (1) the medical viability of the individual; or
- (2) the viability of the individual's anatomical gift of an organ, tissue, or an eye.

Sec. 13. (a) As used in this section:

(1) "Administrator" means a hospital administrator or a hospital administrator's designee.

(2) "Gift" means a gift of all or any part of the human body made under this chapter.

(3) "Representative" means a person who is:

- (1) authorized under section 8 of this chapter to make a gift on behalf of a decedent; and
- (2) available at the time of the decedent's death when members of a prior class under section 8 of this chapter are unavailable.

(b) An administrator of each hospital or the administrator's designee may ask each patient who is at least eighteen (18) years of age if the patient is an organ or a tissue donor or if the patient desires to become an organ or a tissue donor.

(c) The governing board of each hospital shall adopt procedures to determine under what circumstances an administrator or an administrator's designee may ask a patient if the patient is an organ or a tissue donor or if the patient desires to become an organ or a tissue donor.

(d) The administrator shall inform the representative of the procedures available under this chapter for making a gift whenever:

- (1) an individual dies in a hospital;
- (2) the hospital has not been notified that a gift has been authorized under section 4 of this chapter; and
- (3) a procurement organization determines that the individual's body may be suitable of yielding a gift.

(e) If:

- (1) an individual makes an anatomical gift on the individual's driver's license or identification card under IC 9-24-17; and
- (2) the individual dies in a hospital;

the person in possession of the individual's driver's license or identification card shall immediately produce the driver's license or identification card for examination upon request, as provided in section 10(l) of this chapter.

(f) A gift made in response to information provided under this section must be signed by the donor or made by the donor's telegraphic, recorded telephonic, or other recorded message.

(g) When a representative is informed under this section about the procedures available for making a gift, the fact that the representative was so informed must be noted in the decedent's medical record.

(h) A person who fails to discharge the duties imposed by this section is not subject to civil liability but may be subject to criminal liability or administrative sanctions.

Sec. 14. (a) A document of gift need not be delivered during the donor's lifetime to be effective.

(b) Upon or after an individual's death, a person in possession of a document of gift or a refusal to make an

anatomical gift with respect to the individual shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an anatomical gift with respect to the individual or by a person to which the gift could pass under section 10 of this chapter.

Sec. 15. (a) When a hospital refers an individual at or near death to a procurement organization, the organization shall make a reasonable search of the records of:

- (1) the bureau of motor vehicles;
- (2) the equivalent agency to the bureau of motor vehicles in another state;
- (3) the Indiana donor registry; and
- (4) any other registry that the organization knows exists for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

(b) A procurement organization must be allowed reasonable access to information in the records of the bureau of motor vehicles to ascertain whether an individual at or near death is a donor.

(c) When a hospital refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent.

(d) Unless prohibited by law other than this chapter, at any time after a donor's death, the person to whom a part passes under section 10 of this chapter may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

(e) Unless prohibited by law other than this chapter, an examination under subsection (c) or (d) may include an examination of all medical and dental records of the donor or prospective donor.

(f) Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

(g) Upon referral by a hospital under subsection (a), a procurement organization shall make a reasonable search for any person listed in section 8 of this chapter having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended, or revoked, it shall promptly advise the other person of all relevant information.

(h) Subject to section 10(i) of this chapter, IC 36-2-14-21, and IC 36-2-14-22.6, the rights of the person to whom a part passes under section 10 of this chapter are superior to the rights of all others with respect to the part, including a part from a person whose death within a hospital is under investigation by a coroner. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this chapter, a person who accepts an anatomical gift of an entire body may allow embalming, burial or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 10 of this chapter, upon the death of the donor and before embalming, burial, or cremation, shall cause the part to be removed without unnecessary mutilation.

(i) Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's

death may participate in the procedures for removing or transplanting a part from the decedent.

(j) A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

Sec. 16. Each hospital in Indiana shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.

Sec. 17. (a) A person who acts in accordance with this chapter is not liable for the act in a civil action or administrative proceeding.

(b) Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

(c) In determining whether an anatomical gift has been made, amended, or revoked under this chapter, a person may rely upon representations of an individual listed in section 8(a)(2), 8(a)(3), 8(a)(4), 8(a)(5), 8(a)(6), 8(a)(7), or 8(a)(8) of this chapter relating to the individual's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

(d) A health care provider is immune from civil liability for following a donor's unrevoked anatomical gift directive under this chapter or IC 9-24-17.

(e) A hospital or a recovery agency is immune from civil liability for determining in good faith and in compliance with this section that:

- (1) an individual made a written anatomical gift; or
- (2) an individual subsequently made a written revocation of an anatomical gift.

(f) A person who, in good faith reliance upon a will, card, or other document of gift, and without actual notice of the amendment, revocation, or invalidity of the will, card, or document:

- (1) takes possession of a decedent's body or performs or causes to be performed surgical operations upon a decedent's body; or
- (2) removes or causes to be removed organs, tissues, or other parts from a decedent's body;

is not liable in damages in any civil action brought against the donor for that act.

Sec. 18. (a) A document of gift is valid if executed in accordance with:

- (1) this chapter;
- (2) the laws of the state or country where it was executed; or
- (3) the laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence, or was a national at the time the document of gift was executed.

(b) If a document of gift is valid under this chapter, the law of this state governs the interpretation of the document of gift.

(c) A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

Sec. 19. (a) The bureau of motor vehicles shall cooperate with a person that administers any donor registry that this state establishes, contracts for, or recognizes for the purpose of transferring to the donor registry all relevant information regarding a donor's making, amendment to, or revocation of an anatomical gift.

(b) A donor registry must:

- (1) allow a donor or other person authorized under section 4 of this chapter to include on the donor registry a statement or symbol that the donor has made, amended, or revoked an anatomical gift;
- (2) be accessible to a procurement organization and to coroners to allow it to obtain relevant information on the donor registry to determine, at or near death of the

donor or a prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift; and

(3) be accessible for purposes of subdivisions (1) and (2) seven (7) days a week on a twenty-four (24) hour basis.

(c) Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective donor, or person that made the anatomical gift for any purpose other than to determine, at or near death of the donor or prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift.

(d) This section does not prohibit any person from creating or maintaining a donor registry that is not established by or under contract with the state. Any such registry must comply with subsections (b) and (c).

Sec. 20. (a) As used in this section:

(1) "Advance health care directive" means a power of attorney for health care or a record signed by a prospective donor containing the prospective donor's direction concerning a health care decision for the prospective donor.

(2) "Declaration" means a record signed by a prospective donor specifying the circumstances under which a life support system may be withheld or withdrawn from the prospective donor.

(3) "Health care decision" means any decision made regarding the health care of the prospective donor.

(b) If a prospective donor has a declaration or advance health care directive, unless the directive expressly states the contrary, hospitals must use measures necessary to allow a procurement agency to determine the medical suitability of an organ for transplantation or therapy by insuring that life support is not withdrawn from the prospective donor before consultation with the appropriate procurement agency to determine medical potential for donation. The procurement organization shall make every effort to determine donor potential within approximately two (2) hours from the time the procurement organization is contacted by the hospital. A hospital may, in accordance with a donor's declaration or advance health care directive, withdraw life support from the prospective donor if the procurement organization has not made a determination of donor potential within six (6) hours from the time the procurement organization is contacted by the hospital.

Sec. 21. (a) A coroner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, education, or training.

(b) If a coroner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is going to be performed, unless the coroner denies recovery in accordance with IC 36-2-14-22.6(f), the coroner or designee shall, when practicable, conduct a postmortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift. If a coroner conducts a postmortem examination outside of a compatible period, the coroner must document why examination occurred outside of a compatible period. It is considered sufficient documentation if the coroner documents that additional time was necessary to conduct an adequate medicolegal examination.

(c) A part may not be removed from the body of a decedent under the jurisdiction of a coroner for transplantation, therapy, research, or education unless the part is the subject of an anatomical gift. The body of a decedent under the jurisdiction of the coroner may not be

delivered to a person for research or education unless the body is the subject of an anatomical gift. This subsection does not preclude a coroner or pathologist from performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the coroner or from using the body or parts of a decedent under the jurisdiction of the coroner for the purposes of research, education, or training required by the coroner or pathologist.

SECTION 13. IC 34-30-2-123.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 123.5. ~~IC 29-2-16-2.5 (Concerning health care provider immunity and anatomical gifts); IC 29-2-16.1-17(a) (Concerning a person acting under anatomical gift laws).~~

SECTION 14. IC 34-30-2-123.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 123.7. ~~IC 29-2-16-3.5 (Concerning hospital and recovery agency immunity and anatomical gifts); IC 29-2-16.1-17(b) (Concerning a person or an estate in connection with the making of an anatomical gift).~~

SECTION 15. IC 34-30-2-124 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 124. ~~IC 29-2-16-4 (Concerning a person for taking a decedent's body or removing organs, tissues, or other parts in reliance on a will, card, or other document of gift); IC 29-2-16.1-17(d) (Concerning health care provider immunity and anatomical gifts).~~

SECTION 16. IC 34-30-2-125 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 125. ~~IC 29-2-16-7 (Concerning a person acting under anatomical gift laws); IC 29-2-16.1-17(e) (Concerning hospital and recovery agency immunity and anatomical gifts).~~

SECTION 17. IC 34-30-2-125.3, AS ADDED BY P.L.53-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 125.3. ~~IC 29-2-16-17 (Concerning a person or an estate in connection with the making of an anatomical gift); IC 29-2-16.1-17(f) (Concerning a person for taking a decedent's body or removing organs, tissues, or other parts in reliance on a will, card, or other document of gift).~~

SECTION 18. IC 35-46-5-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. An individual who, in order to obtain a financial gain, intentionally falsifies, forges, conceals, defaces, or obliterates a document that:

- (1) expresses;
- (2) makes an amendment or revocation of; or
- (3) refuses;

a gift of organs, tissues, eyes, or other body parts intended to be used in research or in transplants, commits a Class A misdemeanor.

SECTION 19. IC 36-2-14-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) As used in this section, "cornea" includes corneal tissue.

(b) As used in this section, "decedent" means a person described in section 6(a)(1) through 6(a)(5) of this chapter.

(c) As used in this section, "eye bank" means a nonprofit corporation:

- (1) organized under Indiana law;
- (2) exempt from federal income taxation under Section 501 of the Internal Revenue Code; and
- (3) whose purposes include obtaining, storing, and distributing corneas that are to be used for corneal transplants or for other medical or medical research purposes.

(d) If under section 6(d) of this chapter the coroner requires an autopsy to be performed upon a decedent, the coroner may authorize the removal of one (1) or both of the decedent's corneas for donation to an eye bank for transplantation, if the following conditions exist:

- (1) The decedent's corneas are not necessary for successful completion of the autopsy.
- (2) The decedent's corneas are not necessary for use as evidence.
- (3) Removal of the decedent's corneas will not alter the postmortem facial appearance of the decedent.
- (4) A representative of the eye bank, authorized by the trustees of the eye bank to make requests for corneas, has done the following:

(A) Within six (6) hours after the time of death, made a reasonable attempt to:

(i) contact any of the persons listed in the order of priority specified in ~~IC 29-2-16-2(b)~~; **IC 29-2-16.1-8**; and

(ii) inform the person of the effect of the removal of the decedent's corneas on the physical appearance of the decedent.

(B) Submitted to the coroner:

(i) a written request for the donation by the coroner of corneas of the decedent subject to autopsy under section 6(d) of this chapter; and

(ii) a written certification that corneas donated under this section are intended to be used only for cornea transplant.

(5) The removal of the corneas and their donation to the eye bank will not alter a gift made by:

(A) the decedent when alive; or

(B) any of the persons listed in the order of priority specified in ~~IC 29-2-16-2(b)~~; **IC 29-2-16.1-8**;

to an agency or organization other than the eye bank making the request for the donation.

(6) The coroner, at the time the removal and donation of a decedent's corneas is authorized, does not know of any objection to the removal and donation of the decedent's corneas made by:

(A) the decedent, as evidenced in a written document executed by the decedent when alive; or

(B) any of the persons listed in the order of priority specified in ~~IC 29-2-16-2(b)~~; **IC 29-2-16.1-8**.

(e) A person, including a coroner and an eye bank and the eye bank's representatives, who exercises reasonable care in complying with subsection (d)(6) is immune from civil liability arising from cornea removal and donation allowed under this section.

(f) A person who authorizes the donation of a decedent's corneas may not be charged for the costs related to the donation. The recipient of the donation is responsible for the costs related to the donation.

SECTION 20. IC 36-2-14-22.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22.6. (a) Upon request of a procurement organization, a coroner shall release to the procurement organization the name, contact information, and available medical and social history of a decedent whose body is under the jurisdiction of the coroner. If the decedent's body or part is medically suitable for transplantation, therapy, research, or education, the coroner shall release postmortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the postmortem examination results or other information received from the coroner only if relevant to transplantation or therapy.

(b) The coroner may conduct a medicolegal examination by reviewing all medical records, laboratory test results, x-rays, other diagnostic results, and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the coroner which the coroner determines may be relevant to the investigation.

(c) A person that has any information requested by a

coroner under subsection (b) shall provide that information as expeditiously as possible to allow the coroner to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research, or education.

(d) If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is not required, or the coroner determines that a postmortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the coroner and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research, or education.

(e) If an anatomical gift of a part from the decedent under the jurisdiction of the coroner has been or might be made, but the coroner, in consultation with a pathologist, initially believes that the recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death or interfere with the preservation or collection of evidence, the coroner and pathologist shall consult with the procurement organization or physician or technician designated by the procurement organization about the proposed recovery. After consultation, the coroner may allow the recovery, delay the recovery, or deny the recovery.

(f) Before the removal procedure, the coroner or designee may allow recovery by the procurement organization to proceed, or, if the coroner or designee reasonably believes that the part may be involved in determining the decedent's cause or manner of death or, in tissue procurement cases, if the coroner or designee determines that, for evidentiary purposes, the body must remain undisturbed prior to autopsy, deny recovery by the procurement organization. The coroner or designee must be present at the scene before denying the recovery of a part. When practicable, the coroner and pathologist shall work with the procurement organization to facilitate removal of a part following any postmortem examination of the decedent.

(g) If the coroner or designee denies recovery under subsection (e) or (f), the coroner or designee shall:

(1) explain in a record the specific reasons for not allowing recovery of the part;

(2) include the specific reasons in the records of the coroner and forensic pathologist; and

(3) provide a record with the specific reasons to the procurement organization and the state department of health.

(h) If the coroner or designee allows recovery of a part under subsection (d), (e), or (f), the procurement organization shall do the following:

(1) At the request of the coroner or designee and when practicable, perform diagnostic studies that would aid in documenting the presence or absence of injuries.

(2) Cause the physician or technician who removes the part to explain in a signed record the condition of the part, including the presence or absence of any injuries to the part or any surrounding tissue or organs.

(3) Provide a copy of the record described in subdivision (2) to the coroner and the investigating law enforcement agency.

(4) Cause the physician or technician who removes the part to photograph, collect, preserve, and maintain the appropriate chain of custody of any evidence that is found during procurement.

(5) Cause the physician or technician who removes the part to collect blood and other bodily fluid samples as directed by the coroner or designee.

(6) Cause the physician or technician who removes the part to, upon the request of the coroner or designee,

photograph, biopsy, or provide any other information and observations concerning the part or body that would assist in the postmortem examination.

(i) If a coroner or designee must:

(1) be present at a removal procedure under subsection (f); or

(2) perform duties at times other than those that are usual and customary for the coroner or designee to maximize tissue or eye recovery under IC 29-2-16.1-21(b);

at the request of the coroner or designee, the procurement organization that requested the recovery of the part shall reimburse the coroner or designee for the additional costs incurred by the coroner or designee to comply with subsection (f) or IC 29-2-16.1-21(b).

SECTION 21. IC 29-2-16 IS REPEALED [EFFECTIVE JULY 1, 2007]

(Reference is to ESB 550 as reprinted March 20, 2007.)

BECKER

WELCH

SIPES

CROUCH

Senate Conferees

House Conferees

The conference committee report was filed and read a first time.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1046:

Conferees: Kruse and Broden

Advisors: Steele and Lanane

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1115:

Conferees: Jackman and Sipes

Advisors: Heinold and Deig

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1425:

Conferees: Heinold and Simpson

Advisors: Wyss and Errington

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1426:

Conferees: Ford and Lanane

Advisors: Kruse and Breau

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1503:

Conferees: C. Lawson and Simpson

Advisors: Miller and Arnold

MARY C. MENDEL

Principal Secretary of the Senate

OTHER BUSINESS ON THE SPEAKER'S TABLE

Representative Pelath announced a meeting of the Committee on Rules and Legislative Procedures to consider conference committee reports which have been filed.

On the motion of Representative Foley, the House adjourned at 11:10 a.m., this twenty-fifth day of April, 2007, until Thursday, April 26, 2007, at 2:00 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives